



**Special Central Pine Barrens Commission Meeting Summary
Wednesday, January 5, 2022 (Final Approved 1/19/22)
Zoom Virtual Meeting**

4:00 pm

Commission members present: Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar (for Riverhead), Mr. Schneiderman and Ms. Scherer (for Southampton), Ms. Landsdale, 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. 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 this is a special meeting that will begin with 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.

1. Administrative and Public Comment

a. Public Comments

Summary: Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society expressed his concerns related to actively being able to participate in the special meeting when the agenda did not provide information on the items being addressed. Ms. Jakobsen and Mr. Milazzo communicated the reason for the special meeting was to allow the Commission to receive legal advice from counsel on potential litigation and enforcement matters, which are communicated in the Commission's Advisory Sessions. Since Counsel was not present at the December 15, 2021 meeting, the Commission decided to have a special meeting for Counsel's advice.

2. 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 for enforcement matters and potential litigation from Commission counsel and we will potentially return to public session. The motion was approved by the four members present. The Commission entered Advisory Session at 4:15 pm.

3. The Commission returned to Public Session at 5:03 pm

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman for the Commission to enter into an Order on Consent with AVR – SP Brookhaven JV LLC RD Industrial to settle the violation that occurred at the RD Industrial project site in Yaphank as per the terms described in the Order that requires one unredeemed Brookhaven Pine Barrens Credit or its cash equivalent based on 2021 pricing be submitted to the Commission by January 7, 2022, with no revegetation requirement and to allow the Executive Director to sign and execute the Order. The motion was approved by the four members present.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to schedule a public hearing on January 19, 2022 for the RD Industrial Compatible Growth Area Development of Regional Significance application. The motion was approved by the four members present.

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H.
Schneiderman
Member

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The motion was made by Mr. Schneiderman and seconded by Ms. Aguiar for the Commission to enter into an Order on Consent with DLV Quogue Owner, LLC and DLV Quogue LLC to resolve the violation that occurred on the Lewis Road PRD project site as per the terms described in the Order that requires one unredeemed Southampton Pine Barrens Credit or its cash equivalent based on 2021 pricing be submitted to the Commission and requires the natural area that was cleared to be restored per a revegetation plan that comports with the revegetation guidelines attached as Schedule A in the Order and to allow the Executive Director to sign and execute the Order. 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 5:09 pm.

Attachments (in order of discussion)

1. Draft Order on Consent between the Commission and AVR-SP Brookhaven JV LLC dated January 5, 2022 (4 pages)
2. Final Order on Consent between the Commission and AVR-SP Brookhaven JV LLC dated January 10, 2022 (4 pages)
3. Draft Order on Consent and Schedule A between the Commission and DLV Quogue Owner, LLC and DLV Quogue, LLC dated January 5, 2022 (7 pages)
4. Final Order on Consent and Schedule A between the Commission and DLV Quogue Owner, LLC and DLV Quogue, LLC dated January 10, 2022 (7 pages)



**Central Pine Barrens Commission Meeting Summary
Wednesday, January 19, 2022 (Final Approved 2/16/22)
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, Ms. Scherer and Mr. Shea (for Southampton), Mr. Dale, Ms. Landsdale 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, Mr. Huss, Ms. Parrott, Mr. Panko, Mr. Mazzio, Ms. Weigand, 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. Ms. Jakobsen announced that there are two public hearings scheduled for today at 3:00 pm.

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 12/15/21 and 1/5/22*

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the 12/15/21 and 1/5/22 meeting minutes. The motion was approved by the four members present.**

c. *Division reports for NYWIMA, Education and Outreach, Science and Stewardship, Compliance and Enforcement, Land Use and Credit Program previously distributed*

Summary: Ms. Jakobsen mentioned that since the agenda is full and there are two hearings today, staff will not provide individual division updates. The staff are, however, available to answer any questions on the Commission members may have on the reports.

2. Science and Stewardship

a. *Draft resolution to approve the purchase of equipment with funds from the prescribed fire grant*

Summary: Ms. Jakobsen discussed the draft resolution is part of the prescribed fire grant to purchase tools, equipment, apparatus and vehicles. Mr. Schneiderman asked about the spending totals and when would there be prescribed burns scheduled. Mr. Panko informed the Commission that there were several prescribed fires that took place in 2021 that were led by DEC. Ms. Weigand responded that the purchase of the equipment, storage and vehicles are being purchased under the NYS Prescribed Fire Grant and the grant funds are being used to build up the necessary equipment to conduct more prescribed burns.

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the draft resolution to purchase the equipment with funds from the prescribed fire grant. The motion was approved by the four members present.

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

a. Comprehensive Land Use Plan Amendments

Summary: Ms. Hargrave previously distributed a binder that contained the SDGEIS on the Comprehensive Land Use Plan Amendments. Ms. Jakobsen asked the Commission members and representatives to please take time to review the Amendments and SDGEIS and that she will be arranging separate meetings with the Commission members and their representatives to go over the SDGEIS. Ms. Jakobsen would like to have the SDGEIS potentially accepted as complete by the Commission at the February or March Commission meeting to start the public process under SEQRA.

Compatible Growth Area

b. Brookhaven National Lab groundwater remediation in Brookhaven R & D Plaza

Summary: Ms. Hargrave discussed that the Brookhaven National Lab groundwater remediation project that is located on the RD Industrial project site in the Brookhaven Industrial area that is south of BNL and the LIE. BNL indicated the remediation infrastructure has resulted in some clearing on the RD Industrial site of approximately ½ acres. They are requesting the Commission consider providing credit for the cleared area as open space based on their intention to revegetate and restore the area to its natural state upon completion of the groundwater restoration activities.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to determine the activity is environmental restoration and is non-development pursuant to the definitions in the Act. The motion was approved by the four members present.

c. PSEG-LI Eastport Reconductor project / replacement of 26 utility poles on Speonk-Riverhead Road and 28 poles on Old Country Road, Southampton

Summary: Ms. Hargrave discussed that PSEG-LI is proposing the in-kind replacement of 54 poles in the Town of Southampton. Twenty-six utility poles on Speonk-Riverhead Road will be replaced in-kind and 28 poles on Old Country Road will be replaced in-kind. Replacement of these poles is necessary to enable the 24,707 feet of the existing single-phase overhead primary lines be converted to a three-phase overhead line and 11,681 feet of the existing overhead secondary lines be replaced. All poles will be replaced in-kind and no pole height will increase more than 10 feet from the existing pole height after embedment. Additionally, 10 existing overhead transformers will be replaced as part of this conversion. PSEG-LI is proposing these activities are not considered development and do not require a Hardship waiver Application. A discussion ensued about potential visual impacts and specifications regarding the pole design and changes. The Commission requests that a cross section of a typical proposed pole and photographic examples of existing and proposed poles be submitted to the Commission with enough information to visualize the replacement poles in the CGA landscape. The Commission plans to discuss this item at the February 16, 2022 meeting contingent on the receipt of this additional information prior to the meeting.

d. 59 Ryerson Avenue subdivision CGA Hardship waiver / Manorville / 200-461-4-31 & 32 / two lot substandard subdivision on 0.8 acres in A2 / schedule public hearing

Summary: Ms. Hargrave discussed the proposal to is to subdivide two undersized lots that have been merged due to common ownership. An CGA application has been made and a public hearing needs to be scheduled.

The motion was made by Mr. Schneiderman and seconded by Mr. Romaine to schedule a public hearing on February 16, 2022 for the 59 Ryerson Avenue Subdivision CGA Hardship Application. The motion was approved by the four members present.

e. Referrals:

- i. NYSDEC: Middle Island Apartments / n/s Route 25, w/s Rocky Point Road, Middle Island / 200-378-1-8, 12.4 & 13 / 96-unit condominium complex on 13.35 acres
Summary: Ms. Hargrave discussed the project is in the Compatible Growth Area of the Central Pine Barrens. The Brookhaven Town Board issued a Negative Declaration for the zone change on July 28, 2020. The proposal constitutes development activity pursuant to the definitions in the New York State Environmental Conservation Law Article 57 Section 57-0107(13). Therefore, it must conform to the standards of the Central Pine Barrens Comprehensive Land Use Plan as implemented by the Brookhaven Town Code. If the proposal does not conform, it must be revised to conform, or the applicant must seek a hardship waiver. A draft referral letter has been prepared for the Commission's approval.

The motion was made by Mr. Schneiderman and seconded by Mr. Romaine to approve sending the referral letter to NYSDEC for the Middle Island Apartments. The motion was approved by the four members present.

- ii. Town of Brookhaven: The Ponds at The Boulevard / n/s LIE, w/s William Floyd Parkway, Yaphank / 152 units on 59 acres at Meadows at Yaphank PDD
Summary: Ms. Hargrave discussed that for each phase of the project developed, the applicant must continue to demonstrate compliance with the Commission's decision and findings statement adopted on December 21, 2011. The Ponds at The Boulevard Phase 1C is the final development phase in the project. It was proposed as an office park in the 2011 decision. It is proposed now to be changed to residential use that includes the construction of 152 multifamily units, a 5,000 square foot clubhouse and other amenities on 58.74 acres of the 320-acre project site known as The Meadows at Yaphank. The proposed building area is 303,260 square feet. An area of 23.48 acres will be dedicated as conservation easement area "G" phase 1C. A draft referral letter has been prepared for the Commission's approval.

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve sending the referral letter to the Town of Brookhaven for the Ponds at the Boulevard. The motion was approved by the four members present.

- iii. Town of Brookhaven: 7 Eleven, Shirley / 1481 William Floyd Parkway / 200-642-3-41.3, 41.4 & 41.5 / redevelopment to add a gas station with convenience store on 1.38 acres

Summary: Ms. Hargrave discussed the project site is in the Central Pine Barrens Compatible Growth Area. The 1.38-acre site is comprised of three tax parcels. Two lots, 41.4 and 41.5, are presently developed with a 7-Eleven convenience store and parking lot. Lot 41.3 appears to be undeveloped. The proposal involves a change of zone application from J2 and A2 to J5 with special permits and special permit waivers. The project will demolish the existing 7-Eleven convenience store and redevelop the store and add a gas station to the property. The project must conform to the standards in the Commission's Plan which are also in the Town code. A draft referral letter has been prepared for the Commission's approval.

The motion was made by Mr. Schneiderman and seconded by Mr. Romaine to approve sending the referral letter to Town of Brookhaven for 7 Eleven in Shirley. The motion was approved by the four members present.

- iv. *Town of Southampton: Toscano Site Plan / 1408 Speonk-Riverhead Road, Speonk / 900-327-1-1.2 /12,000 square foot industrial use building on 0.92 acres*
Summary: *Ms. Hargrave discussed the project site is in the Central Pine Barrens Compatible Growth Area. The 1.69-acre project site is naturally vegetated with pine barrens habitat. The proposal is a site plan/special exception application for the development of a 12,000 square foot building for a special trade contractor use and associated site improvements. Six separate units, each 1,909 square feet, are proposed in the building. Thirty-six parking spaces are proposed and unpaved parking for a truck turnaround and storage is provided. The proposed activity constitutes development and must demonstrate conformance. Presently it appears the proposal does not conform. If it is not revised to conform, it will require a hardship subject to Commission review and decision to move forward as planned. A draft referral letter has been prepared for the Commission's approval.*

The motion was made by Mr. Schneiderman and seconded by Mr. Romaine to approve sending the referral letter to Town of Southampton for the Toscano Site Plan. The motion was approved by the four members present.

4. Public Hearing at 3:08 pm

- a. *Quogue Wildlife Refuge Core Preservation Area Compelling Public Need Hardship Application / 3 Old Country Road, Quogue / 902-1-23.1 / 1,000 square foot expansion of the nature center and construction of a 1, 980 square foot storage building at the Refuge.*
- b. *RD Industrial CGA Development of Regional Significance Application / Ramsay Road / Precision Drive, Brookhaven R&D Plaza, Yaphank / 200-554-3-4.41, 4.45 & 4.46 / three-lot subdivision / site plan to construct 505,300 square feet of industrial uses on 47.26 acres*

Summary:

A stenographic transcript was prepared for each hearing.

The motion was made by Mr. Romaine and seconded by Ms. Lansdale to receive written comments on the two public hearings until January 28, 2022, by 12 noon. The motion was approved by the four members present.

5. Public Comment

Summary: *No public comments were received.*

6. Public Session of the Meeting Adjourned

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

Meeting was adjourned at approximately 5:05 pm.

Attachments (in order of discussion)

1. Draft Commission meeting summary for December 15, 2021 (3 pages)
2. Final Commission meeting summary for December 15, 2021 (3 pages)
3. Draft Special Commission meeting summary for January 5, 2022 (2 pages)
4. Final Special Commission meeting summary for January 5, 2022 (2 pages)
5. New York Wildfire Incident Management Academy division bimonthly report for January 2022 (1 page)
6. Education and Outreach division bimonthly report for January 2022 (1 page)
7. Science and Stewardship division bimonthly report for January 19, 2022 (4 pages)
8. Compliance and Enforcement division bimonthly report for January 2022 (2 pages)
9. Land Use division report dated January 19, 2022 (1 page)
10. Credit Program report dated January 19, 2022 (6 pages)
11. Draft resolution to purchase Prescribed Fire Program Tools, Equipment, Apparatus and Vehicles dated January 19, 2022 (4 pages)
12. Final resolution to purchase Prescribed Fire Program Tools, Equipment, Apparatus and Vehicles dated January 19, 2022 (4 pages)
13. Brookhaven National Laboratory/Department of Energy groundwater remediation in the Industrial Park letter and map dated January 6, 2022 (3 pages)
14. PSEG Long Island pole replacement project dated December 8, 2021 (1 page), PSEG-LI Coordination Request – Eastport Reconductor emails and photos dated December 10, 2021 and January 19, 2022 (11 pages)
15. 59 Ryerson Avenue Subdivision Hardship Application and attachments dated November 5, 2021 (32 page)
16. Draft referral letter to NYSDEC for Middle Island Apartments dated January 19, 2022 (2 pages), Memo dated December 8, 2021 (1 page), Letter and Attachments dated November 3, 2021 (40 pages)
17. Final referral letter to NYSDEC for Middle Island Apartments dated January 19, 2022 (2 pages)
18. Draft referral letter to Town of Brookhaven for The Ponds at the Boulevard dated January 19, 2022 (1 page), Memo and maps dated November 22, 2021 (6 pages), Applications dated October 21, 2021 (11 pages)
19. Final Referral letter to Town of Brookhaven for The Ponds at the Boulevard dated January 19, 2022 (1 page)
20. Draft referral letter to Town of Brookhaven for 7 Eleven, Shirley dated January 19, 2022 (2 pages), Memo and maps dated December 21, 2021 (3 pages), Application dated November 12, 2021 (15 pages)
21. Final referral letter to Town of Brookhaven for 7 Eleven, Shirley dated January 19, 2022 (2 pages)
22. Draft referral letter to Town of Southampton for Toscano Site Plan dated January 19, 2022 (4 pages), Memo and maps dated November 30, 2021 (2 pages), Applications and attachments dated May 7, 2019 (40 pages)
23. Final referral letter to Town of Southampton for Toscano Site Plan dated January 19, 2022 (4 pages)



**Special Central Pine Barrens Commission Meeting Summary
Thursday, February 3, 2022 (Final Approved 2/16/22)
Zoom Virtual Meeting**

3:00 pm

Commission members present: Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), Mr. Schneiderman, Ms. Scherer and Mr. Shea (for Southampton), Mr. Dale, Ms. Landsdale 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, Ms. Parrott 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 this is a special meeting that will begin with 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 by a second opportunity for the public to provide comments.

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H.
Schneiderman
Member

1. Public Comment

Summary: No public comment

2. Planning and Land Use

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 / 1,000 square foot expansion of the nature center and construction of a 1,980 square foot storage building at the Refuge

Summary: Mr. Milazzo discussed a correction in the paragraph before the conclusion should be changed to read: The nature center addition will serve an essential health need for the community and will enable more programming opportunities and accommodate a greater number of visitors which furthers the Refuge's ability to effectively educate the public, communicate their mission, encourage outdoor recreation, spread awareness and appreciation of natural resources.

The motion was made by Mr. Shea and seconded by Mr. Dale to approve the draft resolution for Quogue Wildlife Refuge CPA Compelling Public Need Hardship Application. The motion was approved by the four members present.

Compatible Growth Area

- b.** RD Industrial CGA Development of Regional Significance Application / Ramsay Road/Precision Drive, Brookhaven R&D Plaza, Yaphank / 200-554-3-4.41, 4.45 & 4.46 / three-lot subdivision/site plan to construct 505,300 square feet of industrial uses on 47.26 acres

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the draft resolution for the RD Industrial CGA Development of Regional Significance application. The motion was approved by the four members present.

3. Public Comment

Summary: Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society expressed his concerns regarding the handling of the RD Industrial CGA Development project that should have involved the environment groups in the

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project process. Mr. Amper referred to four points that could have been changed if the project was put on hold until the Town of Brookhaven made some town code changes to safeguard potential problems instead of moving forward with the project in a speedy manner. He stated that the Commission should be addressing items that have been discovered and urges the Commission to reconsider. A discussion ensued concerning the town code and the supervisor's authority to change the code. It was discussed that if the project was modified, it may have to return to the Commission to have their approval modified depending on the nature of the changes. Mr. Milazzo recapped the process and stated that the project went through public hearings at the town and at the Commission that were noticed and all the appropriate public notifications were made and posted on the Commissions website. The Commission members deliberated, have taken a vote and have determined that the project conforms with the standards and guidelines which is the review required for this type of project. Mr. Milazzo stated the project has been approved and the meeting is now at the final public comment section. Mr. Voorhis, Managing Partner for Nelson, Pope & Voorhis, LLC mentioned that he had a meeting with Mr. Amper from the Pine Barrens Society.

The motion was made by Mr. Romaine and seconded by Mr. Dale 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 Resolution for Quogue Wildlife Refuge Core Preservation Ara Compelling Public Need Hardship dated February 3, 2022 (6 pages)
2. Approved Final resolution for Quogue Wildlife Refuge Core Preservation Ara Compelling Public Need Hardship dated February 3, 2022 (6 pages)
3. Draft Resolution for RD Industrial Subdivision/Site Plan Development of regional Significance Compatible Growth Area dated February 3, 2022 (10 pages)
4. Approved Final resolution for RD Industrial Subdivision/Site Plan Development of regional Significance Compatible Growth Area dated February 3, 2022 (10 pages)



**Central Pine Barrens Commission Meeting Summary
Wednesday, February 16, 2022 (Final Approved 3/16/22)
Zoom Virtual Meeting**

2:00 pm

Commission members present: Ms. Pines (for Brookhaven), Mr. McCormick (for Riverhead), Mr. Shea (for Southampton), Ms. Landsdale and 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. Tverdyy, Mr. Huss, Ms. Parrott, Ms. Weigand, 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. Ms. Jakobsen announced that there is a public hearing scheduled for today at 3:00 pm.

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H.
Schneiderman
Member

1. Administrative and Public Comment

a. *Public Comments*

Summary: Mr. Shea, Jr., Esq. Certilman Balin Adler & Hyman, shared a little background on the Brookhaven Logistics Center, formerly Silver Corporate Park project, he stated a letter was received from the commission staff and they understand that there may be some issues that have been raised by staff with regards to the design of the project and look forward to working with staff to come to an agreement on this application.

b. *Minutes for 1/19/22 and 2/3/22*

Summary: **The motion was made by Mr. Shea and seconded by Mr. McCormick to approve the 1/19/22 and 2/3/22 meeting minutes. The motion was approved by the four members present.**

2. Science and Stewardship

a. *SEQRA lead agency coordination for Sarnoff West Fire Management Unit*

Summary: Ms. Jakobsen discussed this is a burn unit that is covered under the prescribed burn plan prepared by Commission staff. The materials were previously distributed, a draft letter and EAF Part I has been prepared for Commission's authorization to initiate the lead agency coordination.

The motion was made by Mr. Shea and seconded by Ms. Lansdale to approve the initiation of SEQRA lead agency coordination for Sarnoff West Fire Management Unit. The motion was approved by the four members present.

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

a. *Comprehensive Land Use Plan Amendments and Supplemental Draft Generic Environment Impact Statement*

Summary: Ms. Jakobsen updated that the staff have met with the Commission members and Representatives to go over the SDGEIS and the key Plan Amendments that are proposed. Ms. Jakobsen requested that any questions the Commission members and representatives have be submitted to staff by February 28, 2022. At the next Commission meeting there will be a draft resolution prepared for the Commission to accept the SDGEIS as complete and start the public hearing process for the SDGEIS.

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Compatible Growth Area

- b. PSEG-LI Eastport Reconductor project to replace 26 utility poles on Speonk-Riverhead Road and 28 poles on Old Country Road, Southampton

Summary: Ms. Hargrave discussed that the Commission requested additional information from PSEG-LI at the January 19, 2022 Commission meeting including visual simulations of the existing and proposed poles, the width of the poles and their design. On February 2, 2022 PSEG-LI submitted the information that was previously distributed. The existing and proposed poles are both wood, the pole width will increase approximately 7 inches and the pole height will increase by no more than 10 feet. The existing poles range from 37-48 feet tall and the cross bars that will be placed on the top of the bars will be a visual change. Ms. Hargrave suggested that this item is relevant to the non-development provision under Article 57-0107(13) for work by any utility not involving substantial engineering redesign. Mr. Shea agrees that this item falls under the non-development provision and staff will prepare and send a response.

- c. Brookhaven Logistics Center (formerly Silver Corporate Park CGA-DRS and Hardship) / west of Sills Road /LIE North Service Road, Yaphank / 200-662-2-5.16 / proposed amendment to the project for 550,000 square feet of warehouse on approximately 71 acres in the L Industrial 1 Zoning District

Summary: Ms. Hargrave discussed that this is the same project site that the Commission approved a Development of Regional Significance Compatible Growth Area Hardship for Silver Corporate Park in June 2020. This project is a reconfiguration of the property for three lots instead of 12 and approximately the same square footage and is also a development of regional significance. It is a new project and an application should be submitted for consideration. There was a letter drafted and that was previously distributed. Mr. Milazzo discussed the letter that was previously distributed will have some slight changes subject to the Executive Director's approval as discussed. The applicant will be invited to submit an application demonstrating conformance with the standards and guidelines since it is a DRS. If the project does not demonstrate conformance after the Commission reviews the application, the applicant would have to obtain a hardship which is consistent with what have been done in the past.

The motion was made by Ms. Pines and seconded by Mr. McCormick to approve sending the draft revised letter subject to the Executive Director's approval as discussed to have the applicant to submit a DRS application to the Commission. The motion was approved by the four members present.

- d. Suffolk County Council on Environmental Quality SEQA Coordination referrals

- i. True North WHB LLC Hangar Development at Gabreski Airport
ii. Sunrise Jets Maintenance LLC Fixed Based Operator development at Gabreski

Summary: Ms. Hargrave discussed the projects are both in the Gabreski Airport Land Use Plan that shows conformance with the Pine Barrens Land Use Plan. They are in the area that was planned to be developed with aviation facilities. The draft letters have been prepared for Commission authorization.

The motion was made by Mr. Shea and seconded by Mr. McCormick to approve sending the draft letters to indicate conformance with the Land Use Plan. The motion was approved by the four members present.

4. Public Hearing at 3:08 pm

- a. Sunrise Wind LLC Core Preservation Area Compelling Public Need Hardship / underground transmission cable. The applicant requested a deadline extension until May 18, 2022

Summary:

A stenographic transcript was prepared for the hearing.

- b. *59 Ryerson Avenue Subdivision Compatible Growth Area Hardship / on conforming two lot subdivision on 35,00 square feet in the A Residence 2 Zoning District / Manorville / 200-461-4-31 and 32. The applicant requested adjournment of hearing to March 16, 2022 and extension of decision deadline to May 18, 2022.*

The motion was made by Ms. Pines and seconded by Mr. Shea to approve the request for the hearing adjournment to March 16, 2022 and extension of decision deadline to May 18, 2022. The motion was approved by the four members present.

At 2:30 pm the need to enter into an executive session to discuss litigation matters was announced by the executive director and that there would also be an advisory component to receive advice from counsel. It was noted that the Commission members would return to public session and it was anticipated that they would take further action at that point prior to the hearing.

The motion was made by Mr. Shea and seconded by Mr. McCormick to enter into an executive and advisory session for the aforementioned reasons and that it is anticipated that the Commission would take further action once they return to the public portion of the meeting. The motion was approved by the four members present.

5. Public Comment

Summary: *Mr. Richard Amper, Executive Director of the Long Island Pine Barrens Society expressed his support for the Sunrise Wind project and his concern over the Commission's questions on this project.*

6. Public Session of the Meeting Adjourned

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

Meeting was adjourned at approximately 4:42 pm.

Attachments (in order of discussion)

1. Draft Commission meeting summary for January 19, 2022 (5 pages)
2. Final Commission meeting summary for January 19, 2022 (5 pages)
3. Draft Special Commission meeting summary for February 3, 2022 (2 pages)
4. Final Special Commission meeting summary for February 3, 2022 (2 pages)
5. Draft resolution to Initiate SEQRA Lead Agency Coordination for Sarnoff West Fire Management Unit (15 pages)
6. Final approved resolution to initiate SEQRA Lead Agency Coordination for Sarnoff West Fire Management Unit dated February 16, 2022 (15 pages)
7. PSEG Long Island letter and photo simulations dated February 2, 2022 (9 page)
8. Response letter from the Commission to PSEG Long Island dated February 16, 2022 (1 page)
9. Draft response letter from the Commission to Brookhaven Logistic Center dated February 16, 2022 (1 page), Letter from Nelson, Pope Voorhis, LLV and Consistency Analysis dated February 8, 2022 (20 pages), Appendix A dated March 26, 2015 (8 pages), Appendix B dated January 13, 2020 (5 pages), Appendix C dated June 17, 2020 (13 pages), Appendix D (2 pages), Appendix E (7 pages), Plans (3 pages)
10. Draft response from the Commission to the referral letter for True North Hanger Development at Gabreski dated February 16, 2022 (1 page)
11. Final response letter from the Commission to the referral letter for True North Hanger Development at Gabreski dated February 16, 2022 (1 page)
12. Draft response letter from the Commission to the referral letter for Sunrise Jets Development at Gabreski dated February 16, 2022 (1 page), Memo dated February 4, 2022 (2 pages), Letter and Attachments dated February 2, 2022 (46 pages)
13. Final response letter from the Commission to the referral letter for Sunrise Jets Development at Gabreski dated February 16, 2022 (1 page)



**Central Pine Barrens Commission Meeting Summary
Wednesday, March 16, 2021 (Final Approved 4/20/22)
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 Ms. Scherer (for Southampton), Mr. Dale 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, Mr. Tverdyy, Ms. Parrott, Ms. Weigand, Ms. Cohn, Ms. Acampora, Mr. Panko, Mr. Horn, Ms. Kern, Mr. Bagan 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. Brown, Esq. Brown Altman & Dileo, LLP shared a little background on the 9-11 Flanders Road, LLC (7-Eleven) project, he stated he wanted to confirm that the Commission received the updated and proper information before making a decision. Ms. Jakobsen assured Mr. Brown that the Commission has received the information and that this was not an application, that the Commission will be responding to a ZBA Referral Letter.

b. *Minutes for 2/16/22*

Summary: **The motion was made by Ms. Aguiar and seconded by Ms. Scherer to approve the 02/16/22 meeting minutes. The motion was approved by the four members present.**

2. Science and Stewardship

a. *NYWIMA update*

Summary: Ms. Malangone will provide updates on the division's activities and report at the May meeting.

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. Weigand discussed highlights and updates on the Science and Stewardship division's activities covered in the previously distributed Science and Stewardship division report.

d. *USGS – Commission Water Resource Program 4th Annual update*

Summary: Ms. Fisher provided a presentation on the ground water and river monitoring data that has been collected under the 5-year comprehensive water-resources monitoring program for the Central Pine Barrens region. The data is available on the USGS website and through a link on the Commission's website.

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

- a. *Supplemental Draft Generic Environmental Statement for the Comprehensive Land Use Plan Amendments: Notice of Completion and schedule public hearing*
Summary: Ms. Hargrave discussed the Commission has prepared a Supplemental Draft Generic Environmental Impact Statement for the Comprehensive Land Use Plan Amendments and presently it is acceptable for the public's review. The document will be posted on the Commission's website and sent to each of the Town Clerk's offices and local libraries including Longwood, Riverhead, Hampton Bays, Westhampton Beach and Quogue. Ms. Hargrave noted that the resolution and the agenda indicate two public hearings, but the proposal is to have one hearing in person on April 20th at 3 pm at the Riverhead Town Hall. The deadline for public comments to be submitted is May 31st at 12 noon, this will provide the public over a month to submit comments in writing. A resolution for the notice of completion and to schedule a public hearing on April 20th at 3 pm was prepared for the Commission's approval.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve the Draft resolution to Accept the Supplemental Draft Generic Environmental Impact Statement for the Comprehensive Land Use Plan Amendments as Complete, File Notice of Completion and Schedule a Public Hearing. The motion was approved by the four members present.

- b. *Compliance and Enforcement Division update*
Summary: Mr. Huss was unable to be present at today's meeting. The division's activities are contained in the previously distributed compliance and enforcement division report.
- c. *Land Use Division update*
Summary: Ms. Hargrave presented highlights on the division's activities covered in her previously distributed land use division report.
- d. *Credit Program update*
Summary: Mr. Tverdyy presented highlights on the division's activities covered in his previously distributed credit program report.

Core Preservation Area

- e. *Sunrise Wind Core Preservation Area Compelling Public Need Hardship / comment period closed March 11 / decision deadline May 18, 2022*
Summary: Ms. Hargrave discussed after the public hearing on February 16th the applicant's March 3rd response and documents were previously distributed to the Commission and posted on the website along with the public hearing transcript. The response mainly addresses the alternative routes that the applicant explored as an alternative to the preferred route. The documents explain that they have avoided these alternative routes because it either causes significant adverse impacts on some environmental subjects including traffic and road closures, residential neighborhoods and other environmental resources such as wetland habitats and cultural resources. The documents provided information in response to the staff report and some of the Commission's concerns discussed at the February 16th hearing. Ms. Hargrave proposed to close the hearing and record and to have the decision at the April 20th meeting and noted that the decision deadline is the May 18th meeting.

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to close the public hearing and record and to place the project on the April 20th Commission meeting agenda for decision. The motion was approved by the four members present.

Compatible Growth Area

f. Referrals: Southampton Town

- i. Planning Board: JSC Resources Inc. Subdivision / 900-330-2-16.11 Sophia Court, Westhampton; three lot density incentive subdivision on 3.24 acres

Summary: Ms. Hargrave discussed the planning board referral for the final map for a three-lot subdivision, that was part of a previously identified project known as Sofia Place that was approved in 2005. This is a positive outcome because the applicant has redesigned the subdivision map including the three lots and the common driveway to be placed in a cleared area to avoid clearing any of the existing natural vegetation. The property appears to conform to standards. A draft letter has been prepared for Commission authorization.

The motion was made by Mr. Schneiderman and seconded by Mr. Romaine to send a response letter to the Planning Board for the JSC Resources Inc. Subdivision. The motion was approved by the four members present.

- ii. Zoning Board of Appeals: 9-11 Flanders Road LLC (7-Eleven) / Riverside / 900-1382-31 and 32 / proposed gas station and 3,024 square foot convenience store on 0.9 acre

Summary: Ms. Hargrave discussed the site plan for a 7-Eleven gas station and 3,000 square foot convenience store. This is on the site of a former gas station in the highway business zoning district, within the Riverside redevelopment revitalization plan area. The Commission received a referral of the application from the Zoning Board of Appeals on February 7, and a second package of material was received on March 14 including a SEQRA Lead Agency Coordination letter. Ms. Hargrave suggested if the Commission authorizes the draft letter to be sent, we could add a response to the Coordination that the Commission typically defers lead agency in the compatible growth area. The letter would be amended to make note to defer lead agency to the Zoning Board of Appeals who sent the coordination letter. Ms. Scherer suggested the letter could be amended to defer to the Zoning Board of Appeals and/or Planning Board as Lead Agency. The amended draft letter is proposed for Commission authorization.

The motion was made by Mr. Dale and seconded by Mr. Romaine to send the amended response letter to the Zoning Board for 9-11 Flanders Road LLC (7-Eleven). The motion was approved by three of the Commission members with Mr. Schneiderman, Southampton Town Commission member abstaining.

- g. 59 Ryerson Avenue Subdivision Compatible Growth Area Hardship / non-conforming two lot subdivision on 35,000 square feet in the A Residence 2 Zoning District / Manorville / 200-461-4-31 and 32

Summary: Ms. Hargrave discussed the hearing was postponed at the request of the applicant. The applicant requested to have the hearing on May 18th and then extend the decision deadline to July 20th.

The motion was made by Mr. Dale and seconded by Mr. Romaine to postpone the hearing to May 18, 2022 and extend the deadline to July 20, 2022. The motion was approved by the four members present.

4. Public Hearing at 3:00pm- Adjourned

- a. 59 Ryerson Avenue Subdivision Compatible Growth Area Hardship / non-conforming two lot subdivision on 35,000 square feet in the A Residence 2 Zoning District / Manorville / 200-461-4-31 and 32

5. Public Comment

Summary: No public comments were received.

6. Closed to Advisory Session

The motion was made by Ms. Aguiar and seconded by Mr. Romaine 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 3:15 pm.

Meeting was adjourned at approximately 3:10 pm.

Attachments (in order of discussion)

1. Draft Commission meeting summary for February 16, 2022 (4 pages)
2. Final Commission meeting summary for February 16, 2022 (4 pages)
3. Education and Outreach division report dated March 2022 (2 page)
4. Science and Stewardship division report dated March 16, 2022 (4 pages)
5. PowerPoint presentation on the USGS-Commission Water Resources Program 4th Annual update dated March 16, 2022 (17 pages)
6. Draft resolution to Accept the Supplemental Draft Generic Environmental Impact Statement for the Comprehensive Land Use Plan Amendments as Complete dated March 16, 2022 (2 pages)
7. Final resolution to Accept the Supplemental Draft Generic Environmental Impact Statement for the Comprehensive Land Use Plan Amendments as Complete dated March 16, 2022 (2 pages)
8. Compliance and Enforcement division report dated January and February 2022 (2 pages)
9. Land Use division report dated March 16, 2022 (1 page)
10. Credit Program report dated March 17, 2022 (3 pages)
11. Sunrise Wind Core Preservation Area Compelling Public Need Hardship letter and additional information dated March 3, 2022, Commission Hearing transcript dated February 16, 2022 (87 pages)
12. Draft response letter from the Commission for JSC Resources, Inc. final subdivision map three lot subdivision of 19 Sophia Court dated March 16, 2022 (2 pages), referral letter and map dated February 7, 2022 (2 pages)
13. Final response letter from the Commission for JSC Resources, Inc. final subdivision map three lot subdivision of 19 Sophia Court dated March 16, 2022 (2 pages)
14. Draft response letter and maps from the Commission to the referral letter for ZBA Application #100148 9-11 Flanders Road LLC (7-Eleven, Riverside) dated March 16, 2022 (4 pages), Memo and Letter dated March 14, 2022 (2 pages), Referral letter and application dated February 7, 2022 (8 pages), Letter dated February 18, 2021 (1 page), Adopted Pre-Submission Report dated March 25, 2021 (7 pages), Open Government Disclosure Form dated November 3, 2020 (3 pages), Response to Pre-Submission report dated March 25, 2021 (12 pages)
15. Final response letter from the Commission to the referral letter for ZBA Application #100148 9-11 Flanders Road LLC (7-Eleven, Riverside) dated March 16, 2022 (2 pages)
16. Email to adjourn the hearing for 59 Ryerson Avenue dated March 4, 2022 (2 pages)



Central Pine Barrens Commission Meeting Summary
Wednesday, April 20, 2022 (Final Approved 5/18/22)
Hybrid In-Person and Remote Meeting
Riverhead Town Hall
200 Howell Avenue, Riverhead, NY 11901

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 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. Tverdyy, Ms. Parrott, Mr. Mazzio, Mr. Motz, Ms. Malangone and Ms. Brown-Walton.

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H.
Schneiderman
Member

Ms. Aguiar 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 was a Hybrid meeting attending in person and on Zoom.

1. Administrative and Public Comment

a. *Public Comments*

Summary: No public comments were received.

b. *Minutes for 3/16/22*

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the 03/16/22 meeting minutes. The motion was approved by the four members present.**

2. Science and Stewardship

a. *SEQRA Lead Agency Coordination for Sarnoff West NYSDEC property*

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the draft resolution Adopt a Negative Declaration, Determination of Non-Significance pursuant to SEQRA for the Sarnoff West Forest Health Restoration and Prescribed Fire Management. The motion was approved by the four members present.**

b. *Memorandum of Understanding with Wertheim National Wildlife Refuge*

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Shea to adopt the Memorandum of Understanding between U.S. Fish and Wildlife Service Long Island National Wildlife Refuge Complex and Central Pine Barrens Joint Planning and Policy Commission. The motion was approved by the four members present.**

c. *Draft Resolution to approve NYWIMA Board members*

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Shea to approve the draft resolution to approve Academy Board Members for the New York Wildfire and Incident Management Academy. The motion was approved by the four members present.**

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

Core preservation Area

a. *Sunrise Wind Core Preservation Area Compelling Public Need Hardship / onshore cable in the Core Preservation Area*

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Summary: Ms. Hargrave discussed the basis of the project serving more than one municipality and that it cannot be moved due to the landfall location and the connection location onshore. There is a minimum amount of vegetation being removed and there will be restoration when the project is complete.

The motion was made by Mr. Shea and seconded by Mr. Romaine to approve the draft resolution for the Sunrise Wind, LLC Core Hardship Application. The motion was approved by the four members present.

- b. *Determination of Jurisdiction: 2025 Flanders Road / Flanders / 900-170-1-40.4 / proposal to build a three-car garage with a 1,000 square foot accessory apartment above the garage with basement below and a swimming pool on a 4-acre property with a single-family residence in the CR60 Zoning District*

Summary: **The motion was made by Mr. Shea and seconded by Mr. Freleng to approve to send the draft letter to the Town of Southampton requesting additional information for the 2025 Flanders Road Project. The motion was approved by the four members present.**

- c. *Determination of Jurisdiction: Pedro Rivera / ne corner of Wading River Road and LIE Exit 69 / Manorville / 200-461-2-11 / proposal to construct a 320 square foot agricultural building on a 1.0 Acre Conservation Easement property in the Credit Program*

Summary: Mr. Tverdyy discussed the commission has received a request for approval of the agricultural uses on the conservation easement parcel number 200-461-2-11. The property is located just north of exit 69 on LI expressway at the northeast corner of the expressway service road and Wading River Road in Manorville in the town of Brookhaven. The easement was recorded in 1996, it was one of the first easements that was recorded. The former owner received one pine barrens credit. The property size is one acre and it is mostly cleared. It was part of the Dosiak farm and for many years the parcel was used to store big piles of manure. Mr. Rivera purchased the property last year and currently the parcel is vacant. Mr. Rivera's request includes growing vegetables and flowers fencing the property to protect crops from deer and bringing water service and an installation of 320 square foot shed. The property is in the agricultural district and the Easement reserved rights allow the use of the parcel for agricultural activities including construction of agricultural structures. If the project does not involve alteration of native vegetation and if the structure is strictly for agricultural use, it may not need the building permit from the town. The staff asked the Commission to review the proposal for consistency with the easement restrictions and decide today whether Mr. Rivera's request should be approved.

Mr. Romaine asked if the Commission has done this in the past with other land and agricultural districts where people wanted to use it for farming and is there a provision in the Pine Barrens Legislation that carves out an exception for farming. Does the easement specifically indicate this property can be used for agricultural purposes and is there any restriction in terms of constructing accessory building for agricultural purposes. Mr. Milazzo responded that this request is consistent with the easement and it specifically reserves the right to use the property for agricultural buildings provided there is not a material alteration of native vegetation which is not occurring in this request so it is consistent with the easement and it does not require the Commission to go to the statute on the definition of agriculture to make that determination. Mr. McCormick asked Mr. Rivera what the actual use for the agricultural building will be. Mr. Rivera responded and gave a background description of how he acquired the property.

The motion was made by Mr. Shea and seconded by Ms. Aguiar to approve the proposed use of the property for construction of an agricultural building consistent with the intent of the easement as described in the letter. The motion was approved by the four members present.

Compatible Growth Area

- d. Referral: 69 Cypress Avenue Subdivision / Flanders / 900-142-3-19 / two-lot subdivision of a 43,556 square foot property with one existing single-family residence in the R15 Zoning District

Summary: The motion was made by Mr. Shea and seconded by Mr. Freleng to approve the draft response to the town of Southampton for the 69 Cypress Avenue Subdivision Project. The motion was approved by the four members present.

- e. Finks Farm CGA Hardship application / 6242 Middle Country Road / Wading River / 60-134-1-1.3 / proposed to clear 95% of 11.2 acres where 65% is presently cleared in the RB 80 Zoning District / schedule public hearing

Summary: The motion was made by Mr. Romaine and seconded by Mr. Shea to approve to schedule a public hearing on May 18, 2022 for Finks Farm CGA Hardship Application. The motion was approved by the four members present.

- f. Tommasino CGA Hardship application / 88 Woodland Avenue / Manorville / 200-558-2-23.3 / proposal to clear 45% where 35% is allowed for a 9,600 square foot equine therapy arena on a 2.37-acres property with a single-family residence in the A2 Zoning District

Summary: The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve to schedule a public hearing on June 15, 2022 for Tommasino CGA Hardship Application. The motion was approved by the four members present.

- g. RD Industrial DRS / Ramsey Road / Precision Drive / Yaphank / 200-554-3-4.41, 4.45 and 4.46 / policy on existing easements on a development project site

Summary: A discussion ensued concerning pre-existing easements related to utilities and sewage for the property and whether this would impact the Commission's required conservation easement for the open space on the property. Mr. Romaine stated that the Town did not need the easement allowing for the STP or the sanitary lines because that one was not omitted from the report based on Mr. Tim Shea's statement. It was determined that final resolution of the title exceptions and prior easements would be necessary and then a Commission easement could be placed on the open space portion of the property.

4. Public Comment

Summary: No public comments were received.

5. Public Session of the Meeting Adjourned at 2:37pm

The motion was made by Mr. Romaine and seconded by Mr. Freleng to close the public portion of the meeting and to move into a public hearing. The motion was approved by the four members present.

6. Public Hearing at 3:00pm

- a. Supplemental Draft Generic Environmental Statement for the Comprehensive Land Use Plan Amendments

Summary:

A stenographic transcript was prepared for each hearing.

Ms. Jakobsen discussed written comments received by 12 noon on May 31, 2022 at Central Pine Barrens Commission, 624 Old Riverhead Road, Westhampton Beach, NY 11978 will be added to the draft responsiveness document in the Final Environmental Impact Statement. The motion was made by Mr. Romaine and seconded by Ms. Aguiar to close the public hearing. The motion was approved by the four members present.

Meeting was adjourned at approximately 3:32 pm.

Attachments (in order of discussion)

1. Draft Commission meeting summary for March 16, 2022 (4 pages)
2. Final Commission meeting summary for March 16, 2022 (4 pages)
3. Draft resolution Adopt a Negative Declaration, Determination of Non-Significance, Pursuant to SEQRA for Sarnoff West Forest health Restoration and Prescribed Fire Management dated April 20, 2022 (2 pages); Response form for SEQRA Lead Agency Coordination: Central Pine Barrens Sarnoff West Prescribed Burn Plan and Forest Management to Cathy Hass dated February 16, 2022 (15 pages), Full Environment Assessment Form dated April 20, 2022 (36 pages)
4. Final resolution Adopt a Negative Declaration, Determination of Non-Significance, Pursuant to SEQRA for Sarnoff West Forest health Restoration and Prescribed Fire Management dated April 20, 2022 (2 pages)
5. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission Authorizing the Renewal of a Memorandum of Understanding with U.S. Fish and Wildlife Service dated April 20, 2022 (10 pages)
6. Final resolution of the Central Pine Barrens Joint Planning and Policy Commission Authorizing the Renewal of a Memorandum of Understanding with U.S. Fish and Wildlife Service dated April 20, 2022 (10 pages)
7. Draft resolution to Approve Academy Board members for the New York wildfire and Incident Management Academy and attachments dated April 20, 2022 (18 pages)
8. Final resolution to Approve Academy Board members for the New York wildfire and Incident Management Academy dated April 20, 2022 (2 pages)
9. Draft decision to Approve Sunrise Wind LLC Core Preservation Area Compelling Public Need Hardship dated April 20, 2022 (6 pages)
10. Final decision to Approve Sunrise Wind LLC Core Preservation Area Compelling Public Need Hardship dated April 20, 2022 (6 pages)
11. Draft letter and maps to the Town of Southampton requesting additional information for 2025 Flanders Road Core Preservation Area dated April 20, 2022 (4 pages); Letter from Richard Warden and attachments dated March 15, 2022 (20 pages)
12. Final letter to the Town of Southampton requesting additional information for 2025 Flanders Road Core Preservation Area dated April 20, 2022 (2 pages)
13. Draft response letter from the Commission for JSC Resources, Inc. final subdivision map three lot subdivision of 19 Sophia Court dated March 16, 2022 (2 pages), referral letter and map dated February 7, 2022 (2 pages)
14. Final response letter from the Commission for JSC Resources, Inc. final subdivision map three lot subdivision of 19 Sophia Court dated March 16, 2022 (2 pages)
15. Pine Barrens Conservation Easement Report for Pedro Rivera Core Preservation Area Staff Report and Aerial maps dated April 20, 2022 (4 pages); Photos taken by staff during site visit dated March 3, 2022 (2 pages); Letter from Pedro Rivera dated March 7, 2022; Conservation Easement recorded dated September 30, 1996 (14 pages)
16. Draft response letter from the Commission to the referral for 69 Cypress Avenue Subdivision dated April 20, 2022 (1 page); Letter from Jacqueline Fenlon and attachments dated March 7, 2022 (20 pages)
17. Final response letter from the Commission to the referral for 69 Cypress Avenue Subdivision dated April 20, 2022 (1 page)
18. Draft resolution and attachments Commence SEQRA Lead Agency Coordination and Schedule a Public Hearing for the Finks Country Farm, Inc. dated April 20, 2022 (46 pages)
19. Final resolution Commence SEQRA Lead Agency Coordination and Schedule a Public Hearing for the Finks Country Farm, Inc. dated April 20, 2022 (2 pages)
20. Draft resolution and attachments Commence SEQRA Lead Agency Coordination and Schedule a Public Hearing for Desiree Tommasino Inc. dated April 20, 2022 (16 pages)
21. Final resolution Commence SEQRA Lead Agency Coordination and Schedule a Public Hearing for Desiree Tommasino Inc. dated April 20, 2022 (2 pages)



**Central Pine Barrens Commission Meeting Summary
Wednesday, May 18, 2022 (Final Approved 6/15/22)
Hybrid In-Person and Remote Meeting
Riverhead Town Hall
200 Howell Avenue, Riverhead, NY 11901**

2:00 pm

Commission members present: Mr. Romaine and Ms. Pines (for Brookhaven), Mr. McCormick (for Riverhead), Mr. Shea (for Southampton), Mr. Dale, Mr. Freleng and Sarah 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. Parrott, Mr. Huss, Ms. Weigand, Mr. Panko, Ms. Malangone and Ms. Brown-Walton.

Yvette Aguiar
Member

Mr. McCormick 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 was a Hybrid meeting attending in person and on Zoom.

Steven Bellone
Member

1. Administrative and Public Comment

a. *Public Comments*

Summary: No public comments were received.

b. *Minutes for 4/20/22*

Summary: **The motion was made by Mr. Shea and seconded by Mr. McCormick to approve the amended 04/20/22 meeting minutes. The motion was approved by the four members present.**

Edward P. Romaine
Member

Jay H.
Schneiderman
Member

2. Education, Science and Stewardship

a. *NYWIMA update*

Summary: Ms. Malangone discussed highlights and updates on NYWIMA's activities covered in the previously distributed NYWIMA 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. Weigand discussed highlights and updates on the Science and Stewardship division's activities covered in the previously distributed Science and Stewardship division report.

d. *Prescribed fire insurance*

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Shea to approve the draft resolution for the Prescribed fire insurance renewal. The motion was approved by the four members present.**

e. *Friends of Wertheim Memorandum of Understanding*

Summary: Ms. Jakobsen discussed that the Commission staff is currently working on a Memorandum of Understanding Agreement with the Friends of Wertheim concerning the Barrens to Bay Camp. The MOU will be presented at the June 15, 2022 meeting.

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

a. Compliance and Enforcement update

Summary: Mr. Huss discussed highlights and updates on the Compliance and Enforcement division's activities covered in the previously distributed compliance and enforcement division report. Mr. Romaine discussed dumping concerns once the Brookhaven Landfill closes. Mr. Romaine will attend a future Law Enforcement Council meeting to discuss staffing and coverage to ensure that dumping issues are addressed. Mr. Huss welcomed the support. Mr. Romaine noted the lack of a regional plan for solid waste disposal. Mr. Dale added that District Attorney Tierney should be included. Mr. Freleng asked about future Water Bucket training with the Army Corps. Mr. Huss responded he will revisit with the Army Corps.

b. Land Use update

Summary: Ms. Hargrave discussed highlights and updates on the Land Use division's activities covered in the previously distributed land use division report.

c. Credit Program update

Summary: The credit report was previously distributed.

Core Preservation Area

d. Town Referral: 2023 River Road (former Warner Duck Farm) / Riverhead / 600-118-4-5.7 & 5.10 / lot line modification and construction of 29,808 square feet of horse facilities on property with Credit Program conservation easement.

Summary: Ms. Hargrave discussed that the project site is affected by a conservation easement in the credit program that was filed in 1996 the Warner Duck Farm easement. Part of this property that is the subject of this referral is under the restrictions of the easement and when the lot line modification occurs, it will bring some of the easement property into a private property that is not presently under the easement. The proposed lot line modification is not an issue it appears to be non-development under the Pine Barrens Act but the proposed facilities for horses are not consistent with the easement unless more information is provided and that is expressed in the draft letter. A history of the parcels that involved in this referral is also provided. The Warner easement parcels have evolved over time. There have been at least two or three other lot line modifications that have changed the lot lines of this property and adjacent properties but the easement itself has not changed. If new lots are added in the easement area, they will be subject to the easement. A draft letter was prepared for the Commission's approval.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve the draft response to the town of Riverhead for the 2023 River Road Warner Duck Farm referral. The motion was approved by the four members present.

Compatible Growth Area

e. Request: Eastport South Manor Central School District / Eastport / 200-589-3-13.7 & 13.8 (Dayton Elementary School) and 200-589-4-1 & 200-676-1-7.7 (High School) / projects include grass fields to artificial turf and solar carports at Elementary and High Schools, 120-foot cell tower and 7,000 square foot expansion of high school.

Summary: Ms. Hargrave discussed that the Commission received material from Tim Laube, the Assistant Superintendent of the Eastport-South Manor School District. There are four projects that are proposed, the first one is the replacement of existing mowed grass fields to synthetic turf; the second is a 7,000 square foot expansion of the high school for a wrestling facility; the third activity is a construction of a 120-foot tall three foot wide monopole cell tower; and the fourth activity is construction of solar car ports on the parking lot at both schools. After reviewing the items two of them appear to be non-development, the replacement of the mowed fields to synthetic turf and the solar car ports. The commission has determined that the construction of the cell tower would be development in the compatible growth area. The construction of the expansion of the high school is development which means the project site must conform to the Pine Barrens

Land Use Plan and from our review it does conform. There is no removal of vegetation for these projects and there are no other standards that are exceeded so the recommendation is that the projects could go forward.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve to the resolution on the projects in Eastport South Manor Central School District. The motion was approved by the four members present.

- f. 59 Ryerson Avenue Subdivision CGA Hardship Waiver / Manorville / 200-461-4-31 & 32 / exceed clearing limit standard / request hearing adjournment and extension of decision deadline

Summary: Ms. Hargrave discussed the applicant has requested a 60-day hearing extension. The public hearing would occur July 20, 2022 and the decision deadline is extended

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve to schedule a public hearing on July 20, 2022 and extend the decision deadline for 59 Ryerson Avenue Subdivision. The motion was approved by the four members present.

- g. Finks Country Farm CGA Hardship Waiver / Wading River / 600-134-1-1.3 / request hearing adjournment and extension of decision deadline

Summary: Ms. Hargrave discussed the applicant has requested a hearing adjournment for June 15, 2022 and a decision deadline extension.

The motion was made by Mr. Shea and seconded by Mr. Romaine to approve to schedule a public hearing on June 15, 2022 and extend the decision deadline for Finks Country Farm. The motion was approved by the four members present.

- h. Town and NYSDEC Referrals:

- i. Expressway Drive North Warehouse / Yaphank / 200-662-2-5.16 / Planning Board referral of application to the develop three warehouses, 549,942 square feet, on 71 acres

Summary: Ms. Hargrave discussed this is the former Silver Corporate Park project site and for now this responds to a referral from the town of Brookhaven on this project. The Commission will be seeing this directly from the applicant since it is a development of regional significance. It is over 500,000 square feet of industrial buildings on 71 acres in the compatible growth area in Yaphank. A draft referral letter was prepared for the Commission's approval.

The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve to send the draft referral letter to the Town of Brookhaven for the Expressway Drive North Warehouse project. The motion was approved by the four members present

- ii. Oak Run @ Middle Island / Middle Island / 200-401-2-38.5 / Town Board referral change of zone from B1 Residence to Planned Retirement Community to develop 74 senior apartments with amenities on 23.56 acres

Summary: Ms. Hargrave discussed this is a compatible growth area project for 74 senior apartments that requires a zone change and it appears to conform. It is completely vegetated now and maybe there was a small area that was formerly cleared, but it is being clustered to meet standards. A draft referral letter was prepared for the Commission's approval.

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve to send the draft referral letter to the Town of Brookhaven for the Oak Run @ Middle Island project. The motion was approved by the four members present

- iii. *Peconic Restaurant Paddler / 89 Peconic Avenue / Riverside / 900-118-2-2 / NYSDEC referral of an application for a two phased development project including a 4,212 square foot building with 2,383 square foot patio and 22 parking spaces for a restaurant use and boat rental/sales (phase 1) and hotel (phase 2)*

Summary: Ms. Hargrave discussed this is a referral from the DEC. It is a one-acre site Peconic Paddler in Riverside on the south side of the Peconic River. There is a proposal for a two-phase development the referral explained the first one is the development of a restaurant, a store and a paddler facility that would be about 4,000 square foot building and a parking lot. The second phase is a hotel that appears to not have been analyzed yet. The town has reviewed this application and Mr. Shea confirmed the site plan application received a conditional approval that expired November 2021.

The motion was made by Mr. Shea and seconded by Mr. Romaine to amend the draft referral letter to indicate that the conditional site plan approval has expired and that a new site plan application needs to be made to the planning board for the Peconic Paddler. The motion was approved by the four members present

4. Public Hearings at 3:00pm – Adjourned

- a. *59 Ryerson Avenue Subdivision CGA Hardship Waiver / Manorville / 200-461-4-31 &32 / exceed clearing limit / adjourn to 7/20/22*
b. *Fink’s Country Farm CGA Hardship Waiver / Wading River / 600-134-1-1.3 / exceed clearing limit and fertilizer-dependent vegetation limit standards / adjourn to 6/15/22*

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. 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 that they would not return to public session. The motion was approved by the four members present.

Meeting was adjourned at approximately 2:45 pm.

Attachments (in order of discussion)

1. Draft Commission meeting summary for April 20, 2022 (4 pages)
2. Final Commission meeting summary for April 20, 2022 (4 pages)
3. NYWIMA updated dated 2022 (1 page)
4. Education and Outreach division update dated May 2022 (1 page)
5. Science and Stewardship division update dated May 18, 2022 (4 pages)
6. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission Authorizing the Renewal of Prescribed Fire Insurance Policy dated May 18, 2022 (1 page), Prescribed fire Insurance Policy Renewal dated May 2022 (5 pages)
7. Final resolution of the Central Pine Barrens Joint Planning and Policy Commission Authorizing the Renewal of Prescribed Fire Insurance Policy dated May 18, 2022 (1 page)
8. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission Authorizing the Renewal of the Memorandum of Understanding with The Friends of Wertheim dated 2022 (8 pages)
9. Compliance and Enforcement division update dated January - April 2022 (2 pages)
10. Land Use division update dated May 18, 2022 (1 page)
11. Credit Program update dated May 18, 2022 (3 pages)
12. Draft referral response letter to the Town of Riverhead for Warner Duck Farm dated May 18, 2022 (5 pages); Town of Riverhead Planning Board memo and attachments dated April 18, 2022 (15 pages)
13. Final referral response letter to the Town of Riverhead for Warner Duck Farm dated May 18, 2022 (5 pages)
14. Draft resolution on the projects in Eastport South Manor Central School District dated May 18, 2022 (3 pages); Letter, maps from Tim Laube dated May 3, 2022 (7 pages); Photo Simulation from Elite Towers, LP dated December 6, 2021 (14 pages)
15. Final resolution on the projects in Eastport South Manor Central School District dated May 18, 2022 (3 pages)
16. Email from Larry Darvis to request public hearing adjournment dated May 5, 2022 (1 page)
17. Letter from Nicholas Rigano to request a public hearing adjournment dated May 10, 2022 (1 page)
18. Draft referral response letter and map to the Town of Brookhaven for Expressway Drive North Warehouse building dated May 18, 2022 (3 pages); Memo and attachments from Town of Brookhaven dated April 22, 2022 (4 pages); Letter from Key Civil Engineering dated April 21, 2022 (7 pages); Letter from Stonefield dated April 8, 2022 (2 pages)
19. Final referral response letter and map to the Town of Brookhaven for Expressway Drive North Warehouse building dated May 18, 2022 (3 pages)
20. Draft referral response letter and map to the Town of Brookhaven for Oak Run at Middle Island dated May 18, 2022 (4 pages); email and attachments from the Town of Brookhaven dated May 5, 2022 (29 pages)
21. Final referral response letter and map to the Town of Brookhaven for Oak Run at Middle Island dated May 18, 2022 (4 pages);
22. Draft referral response letter and map to the NYSDEC for Peconic Restaurant / Peconic Paddler dated May 18, 2022 (3 pages); letter and attachments from Nelson Pole Voorhis dated August 20, 2021 (30 pages)
23. Final amended referral response letter and map to the NYSDEC for Peconic Restaurant / Peconic Paddler dated May 18, 2022 (3 pages)



**Central Pine Barrens Commission Meeting Summary
Wednesday, June 15, 2022 (Final Approved 7/20/22)
Hybrid In-Person and Remote Meeting
Brookhaven Town Hall
One Independence Hill, Farmingville, NY 11738**

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 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. Huss, Mr. Tverdyy, Ms. Weigand, Ms. Cohn, Ms. Acampora, Ms. Malangone and Ms. Brown-Walton.

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 was a Hybrid meeting with attendance in person and on Zoom.

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 5/18/22*

Summary: **The motion was made by Mr. Romaine and seconded by Mr.**

McCormick to approve the 05/18/22 meeting minutes. The motion was approved by the four members present.

c. *Memorandum of Understanding renewal with the Civil Air Patrol*

Summary: **The motion was made by Mr. Romaine and seconded by Mr.**

McCormick to adopt the Memorandum of Understanding between the Civil Air Patrol and Central Pine Barrens Joint and Policy Commission. The motion was approved by the four members present.

2. Education, Science and Stewardship

a. *Memorandum of Understanding with The Friends of Wertheim*

Summary: **The motion was made by Mr. Shea and seconded by Mr. Freleng to**

adopt the Indemnification and Insurance Agreement between The Friends of Wertheim and Central Pine Barrens Joint Planning and Policy Commission. The motion was approved by the four members present.

b. *Draft Resolution to accept Foundation Research and Stewardship funding to support housing for research assistant working on UVM grant project*

Summary: Ms. Jakobsen discussed prior to the former Executive Director John Pavacic leaving, he approached the Commission about creating a friends group. Mr. Pavacic continued to work with the FERN, an established friends group which changed to FOREST with their mission to help provide support to the Commission and to the larger maritime reserve in various areas related to research.

The motion was made by Mr. Romaine and seconded by Mr. McCormick for the Commission to accept FOREST funding to support housing for a research assistant working on University of Vermont grant. The motion was approved by the four members present.

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11978

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

a. Supplemental Draft Generic Environmental Statement for the Comprehensive Land Use Plan Amendments

Summary: Ms. Hargrave discussed the Amendments comment period closed on May 31, 2022. There were comments focused on bird protection guidelines and strengthening them to be specific and comments from the Long Island Builders Institute. The staff is working on addressing all the comments and in late summer, early fall the responses will be presented to the Commission.

Core Preservation Area

b. Referral: Southampton Planning Board / Klug Farm / Northampton / 900-235-1-47.1/ proposal for a 720 square foot expansion of existing 2,610 square foot barn used for agriculture on 182 acres

Summary: **The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve to send the draft letter to the Town of Southampton for the Klug Farm Project. The motion was approved by the four members present.**

c. Determination of Jurisdiction: Sang-Choon Cho / 70 Schultz Road / Manorville / 600-148-2-2.3 / customary incidental use for a single-family dwelling on 5.2 acres

Summary: A clarification was made that this is a request for the installation of a swimming pool on the property of an existing residence that pre-dates the Act.

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve to send the draft letter for Sang-Choon Cho / 70 Schultz Road Project. The motion was approved by the four members present.

d. Determination of Jurisdiction: Homeland Towers / 2055 Flanders Road / Flanders / 900-170-1-41.1 construction of new 150-foot-tall monopole with 3,000 square foot equipment installation for Verizon Wireless on 6.6 acres with a junk yard

Summary: David Wortman of VHB introduced Robert Gaudio with the law firm of Snyder and Snyder on behalf of Homeland Towers and Verizon Wireless discussed the application for a public utility facility and that it is not development due to the non-development definition for public utility in the Act. Mr. Gaudio discussed these types of facilities are also regulated not only by New York State case law as public utilities but also under federal law as personal wireless service facilities. The hardship application would be made pursuant to those federal and state laws simultaneously with an application to the town of Southampton. Mr. Gaudio stated that alternative sites were explored, but this is the best site because of the prior conditions on the site, the distance from any dense residential areas being sandwiched between two different open space areas and the placement on an industrial use parcel. It is a very important project due to the necessity to provide emergency wireless services for underserved communities for everyday use of cell phones and wireless connections, remote learning and medical uses. Mr. Gaudio stated if it is determined that the Commission does have jurisdiction, a request for a Hardship Waiver will be made.

The motion was made by Mr. Shea and seconded by Mr. Romaine to approve to send the draft response for the Homeland Towers 2055 Flanders Road Project. The motion was approved by the four members present.

Compatible Growth Area

e. Determination of Jurisdiction: PSEG / 9,300 linear feet of underground distribution cable from the William Floyd Substation to the Brookhaven R&D Park

Summary: Ms. Hargrave discussed the project is non-development activity. PSEG-LI will need to avoid the easement areas that are protected in the Brookhaven R&D Plaza which includes the RD Industrial project that was recently approved

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve to send a letter for the PSEG-LI underground distribution cable from the William Floyd Substation to the Brookhaven R&D Park. The motion was approved by the four members present.

4. Public Comment

Summary: Mr. Amper expressed his concern about the technical difficulties encountered during the Commission meeting.

5. Public Hearings at 3:00pm Adjourned

- a. Tommasino Compatible Growth Area Hardship Waiver / 88 Woodland Avenue, Manorville / 200-558-2-23.3 / exceed the 35% clearing limit to 45% to construct a 9,600 square foot horse arena on 2.4 acres with a single-family residence / decision deadline 8/2/22
- b. Finks Country Farm Compatible Growth Area Hardship Waiver / 6242 Middle Country Road, Wading River / 600-134-1-1.3 / exceed the 65% clearing limit for agricultural use to 95% on 11.2 acres / decision deadline 9/2/22

Summary: Ms. Jakobsen discussed due to technical difficulties with the hybrid meeting that the hearings will be adjourned to the July 20, 2022 Commission Meeting that will be held at Riverhead Town Hall. This information was provided to the public attending through Zoom.

6. Public Session of the Meeting Adjourned at 3:07pm

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

Meeting was adjourned at approximately 3:07 pm

Attachments (in order of discussion)

1. Draft Commission meeting summary for May 18, 2022 (5 pages)
2. Final Commission meeting summary for May 18, 2022 (5 pages)
3. Draft resolution to Authorize Renewal of a Memorandum of Understanding with Civil Air Patrol and attachments dated June 15, 2022 (21 pages)
4. Final resolution to Authorize Renewal of a Memorandum of Understanding with Civil Air Patrol and attachments dated June 15, 2022 (21 pages)
5. Draft resolution to Approve the Indemnification and Insurance Agreement between the Friends of Wertheim and the Central Pine Barrens Joint Planning and Policy Commission (19 pages)
6. Final resolution to Approve the Indemnification and Insurance Agreement between the Friends of Wertheim and the Central Pine Barrens Joint Planning and Policy Commission (19 pages)
7. Draft resolution for Commission to accept FOREST funding to support housing for research assistant working on UVM grant project dated June 15, 2022 (2 pages); Letter with attachments from John Pavacic dated June 8, 2022 (3 pages)
8. Final resolution for Commission to accept FOREST funding to support housing for research assistant working on UVM grant project dated June 15, 2022 (1 page)
9. Draft referral response letter and map to the Town of Southampton for Klug Farm barn site at Northampton dated June 15, 2022 (3 pages); Letter and attachments from Jacqueline Fenlon dated May 16, 2022 (24 pages)
10. Final referral response letter and map to the Town of Southampton for Klug Farm barn site at Northampton dated June 15, 2022 (3 pages)
11. Draft response letter and map for the 70 Schultz Road, Manorville project dated June 15, 2022 (2 pages); Email with attachments from Merri Reilly dated May 31, 2022 (8 pages)
12. Final response letter and map for the 70 Schultz Road, Manorville project dated June 15, 2022 (2 pages)
13. Draft response letter and map for 2055 Flanders Road, Flanders project dated June 15, 2022 (3 pages); Letter from David Wortman dated May 31, 2022 (2 pages); Homeland Towers Approval Review Form (4 pages)
14. Final response letter and map for 2055 Flanders Road, Flanders project dated June 15, 2022 (3 pages)
15. Final response letter to PSEG-LI for William Floyd with attachments including the RD Industrial conservation easement and map for the William Floyd new underground feeder project dated June 16, 2022 (40 pages).
16. Email with attachments from Justin LaCorte including a letter dated May 26, 2022 and a map of the project route (4 pages)



Central Pine Barrens Commission Meeting Summary
Wednesday, July 20, 2022 (Approved 8/17/2022)
Hybrid In-Person and Remote Meeting
Riverhead Town Hall
200 Howell Avenue, Riverhead, NY 11901

2:00 pm

Commission members present: Mr. Romaine (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), 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. Tverdyy, Mr. Huss, Mr. Panko, Ms. Cohn, Ms. Acampora, Ms. Malangone and Ms. Brown-Walton.

Yvette Aguiar
Member

Ms. Aguiar 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 was a Hybrid meeting attending in person and on Zoom.

Steven Bellone
Member

1. Administrative and Public Comment

a. Public Comments

Summary: No public comments were received.

b. Minutes for 6/15/22

Summary: **The motion was made by Mr. Shea and seconded by Ms. Aguiar to approve the 06/15/22 meeting minutes. The motion was approved by the four members present.**

c. Commission budget for fiscal year 2022 - 2023

Summary: Ms. Jakobsen discussed there is 3.3 million in allocation from New York State which includes an annual increase of \$500,000 to the prior \$2 million allocation and it also includes reappropriated funds from prior years

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the Commission budget for fiscal year 2022-2023. The motion was approved by the four members present.

2. Education, Science and Stewardship

a. **NYWIMA update** - Summary: Ms. Malangone discussed highlights and updates on NYWIMA's activities covered in the previously distributed NYWIMA report. Mr. McCormick asked if the courses are offered remotely. Ms. Malangone explained that there are no virtual classes offered because some of the classes have field components so the remote option would not be effective.

Education and Outreach update - Summary: Ms. Parrott is managing the Barrens to Bay Summer Camp, so she is not present. The education and outreach division's activities are covered in the previously distributed education and outreach division report.

Science and Stewardship update - Summary: Ms. Cohn presented for Ms. Weigand and discussed highlights and updates on the Science and Stewardship division's activities covered in the previously distributed Science and Stewardship division report. Mr. McCormick asked about the encroachment of Southern Pine Beetles in Riverhead. Ms. Cohn did not have that information but offered to follow-up and look into it.

b. Draft Resolution to approve ATV purchase for Town of Southampton Police using Commission violation fund monies

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Summary: The motion was made by Mr. Shea and seconded by Ms. Aguiar to approve the draft resolution to purchase an ATV for the Town of Southampton Police using Commission violation fund monies. The motion was approved by the four members present.

c. **FOREST Funding Update**

Summary: Ms. Jakobsen discussed that at the June 15, 2022 Commission meeting the resolution passed to accept financial assistance in the amount of \$2,700.00 from FOREST to help pay for housing for a researcher performing research work under a U.S. Forest Service grant awarded to the Commission, the University of Vermont and BNL. The grant is to develop a Management Guide for Pitch Pine regeneration post Southern Pine Beetle. FOREST can provide the money directly to either the researcher or to BNL housing, so the Commission will not be receiving that money.

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve to rescind the acceptance of the money from FOREST in the amount of \$2,700.00 from the June 15, 2022 Commission meeting to fund housing for a research assistant so that there is a clean record that the Commission did not receive the money. The motion was approved by the four members present.

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

- a. **Compliance and Enforcement update** - ***Summary:*** Mr. Huss discussed highlights and updates on the Compliance and Enforcement division's activities covered in the previously distributed compliance and enforcement division report. Mr. Huss revealed that he will be retiring soon. Mr. McCormick, Mr. Shea and the entire Commission thanked Mr. Huss for his professionalism, dedication and service to the Pine Barrens. It has been a pleasure to work with him, he has been an asset to the Commission and wished him well on his retirement.
- Land Use update** - ***Summary*** Ms. Hargrave discussed highlights and updates on the Land Use division's activities covered in the previously distributed land use division report.
- Credit Program update** - ***Summary:*** Mr. Tverdy discussed highlights and updates on the Credit Program's activities covered in the previously distributed credit program division report.

Core Preservation Area

- b. **NYSDEC referral:** Peconic Sportsman's Club herbicide application to treat invasive fanwort with flumioxazin in Donohue Pond and inlets, 42 acres / 389 River Road, Manorville / 200-298-1-1 and 600-142-2-1.1.

Summary: Ms. Hargrave discussed that there is a draft letter that was in the e-packet in response to this referral from NYSDEC. The Commission had additional questions on the proposed product, the active ingredient and its potential environmental impacts, alternatives for treating this invasive species, how often the invasive species occurs in this habitat and the pond, potential impacts to the habitat, public health concerns if any and whether there was a long-term maintenance plan. Ms. Jakobsen stated there is no action before the Commission today except to authorize sending the response letter to the DEC referral.

John Armentano, an attorney from Farrell Fritz, was present today to represent the Peconic River Sportsman's Club. He discussed how the invasive species, fanwort, is impacting Donohue Pond and its recreational use. He then discussed the development and non-development provisions related to restoration activities and the expansion of recreational use under ECL Article 57-107(13). He considers the application of the herbicide as restoration of the pond and not development. In addition, he discussed how fanwort was limiting the ability to use the pond for recreational activities such as fishing and boating and how the absolute deadline for applying the herbicide to treat the pond this year would be September. Mr. Armentano mentioned the prior use of the product SONAR, eight years ago to treat the pond and how DEC is currently treating the Peconic River for

invasive primrose that was not referred to the Commission. He mentioned that the Towns of Brookhaven and Riverhead have granted approved this activity. Mr. McCormick asked Mr. Armentano to provide the name of the contact in the Town of Riverhead to him who was involved with the permit approval.

Mr. Shea inquired about whether a biological inventory had been performed to identify rare plants and animals and whether an assessment had been performed to evaluate impacts of the herbicides to those species. Mr. Armentano stated no critical species were identified in the EAF and discussed the half-life of the product and activities that may continue such as fishing, etc. after its application in the water.

Assemblywoman Giglio was present via Zoom who provided comments on the permit application and discussed how according to PRSC that the original permit they had received for the use of this herbicide had expired due to COVID and how there has been a rapid expansion of fanwort in the pond which will cause a significant increase in the cost to treat. She mentioned that she represents PRSC, Peconic Lake Estates and the Town of Riverhead. It was noted that DEC approved the Article 15, pesticide permit, however, since the project is over 10 acres, a SEQRA review was required.

Supervisor Aguiar inquired whether there was a way to accelerate the review process for this permit. Mr. Milazzo explained that DEC is required to conform with the Act and the Plan and at this point the DEC is lead agency and if the project is determined to be development, the Commission would become an involved agency.

Mr. Milazzo discussed there is a Commission held conservation easement on this property and that is why it should be reviewed in context with Article 57 and the provisions of the conservation easement and obtain any additional necessary information from DEC regarding this permit to facilitate providing a recommendation to the Commission.

Mr. Shea stated that regardless of whether or not the project is deemed development, it is appropriate for the Commission to act in an advisory manner and to provide comments to the DEC in response to the referral and raise appropriate questions to get additional information. The Commission is charged with protecting the Pine Barrens and its ecology.

The motion was made by Mr. Shea and seconded by Mr. Aguiar to approve sending the draft response letter to the New York State DEC for Peconic Sportsman's Club herbicide application. The motion was approved by the four members present.

Compatible Growth Area

- c. *Expressway Drive North Compatible Growth Area-Development of Regional Significance / development of 549,942 square feet of warehouses on 71.45 acres on the LIE North Service Road, west of Sills Road / Yaphank / schedule a public hearing*

Summary: *Ms. Jakobson classified that this is also a hardship application.*

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve to schedule a public hearing on August 17, 2022. The motion was approved by the four members present.

- d. *59 Ryerson Avenue Subdivision Compatible Growth Area Hardship Waiver / Manorville / 200-461-4-31 & 32 / two lot substandard subdivision on 0.8 acre in A Residence 2 / exceed clearing limit standard / request hearing adjournment and extension of decision deadline*

Summary: ***The motion was made by Mr. Shea and seconded by Mr. Dale to approve to schedule a public hearing on September 21, 2022 and extend the decision deadline to October 19, 2022. The motion was approved by the four members present.***

- e. *Southampton ZBA referral: 7 Eleven signage Hampton Bays / 900-221-3-17 /*

development of new gas station with a two-story, 3,545 square foot convenience store on 2 acres in the Highway Business Zoning District.

Summary: Ms. Hargrave discussed there are guidelines that speak to signage, but this project will not achieve the threshold for a development of regional significance where the commission will be reviewing signage.

The motion was made by Mr. Shea and seconded by Ms. Aguiar to approve to send the draft response letter to the Town of Southampton for the 7 Eleven gas station with convenience store.

4. Finks Fink's Country Farm Compatible Growth Area Hardship Waiver / 6242 Middle Country Road, Wading River / 600-134-1-1.3 / exceed the 65% clearing limit for agricultural use to 95% on 11.2 acres / decision deadline 9/2/22 fertilizer-dependent vegetation limit standards / adjourn to 8/17/22– Adjourned

Summary: **The motion was made by Mr. Shea and seconded by Ms. Aguiar to approve to schedule a public hearing on August 17, 2022. The motion was approved by the four members.**

5. Public Comment

Summary: Ms. Leonhardt, Pine Barrens Society expressed her concern about the herbicide application presented to rid the Peconic Sportsman's Club of the invasive species that is choking off the pond. After reading the comments from staff, looking at the toxicity, the label indications and at the MSDS studies, the Pine Barren Society is concerned about toxicity to animals and humans. Ms. Leonhardt suggested looking at another way to address this issue as Ms. Hargrave mentioned. She appreciates the Commission for taking a hard look before making a final decision on this chemical.

Public Session of the Meeting Adjourned at 3:03 pm.

6. Public Hearings at 3:00pm

- a. Tommasino Compatible Growth Area Hardship Waiver / 88 Woodland Ave, Manorville / 200-558-2-23.3 / exceed 35% clearing limit to 45% to construct a 9,600 square foot horse arena On 2.4 acres with a single-family residence

Summary:

A stenographic transcript was prepared for each hearing.

Ms. Jakobsen discussed written comments received by August 3, 2022 (10 days) at Central Pine Barrens Commission, 624 Old Riverhead Road, Westhampton Beach, NY 11978. The decision deadline is extended to the September 21, 2022 meeting. The motion was made by Mr. Romaine and seconded by Mr. Dale to close the public hearing. The motion was approved by the four members present.

7. Closed to Advisory Session

The motion was made by Mr. Romaine and seconded by Mr. 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 that they would not return to public session. The motion was approved by the four members present.

Meeting was adjourned at approximately 4:00 pm.

Attachments (in order of discussion)

1. Draft Commission meeting summary for June 15, 2022 (4 pages)
2. Final Commission meeting summary for June 15, 2022 (4 pages)
3. State Fiscal Year 2022-2023 CPB Commission Budget Overview & Highlights memo and attachments dated July 20, 2022 (6 pages)
4. NYWIMA update dated July 20, 2022 (1 page)
5. Education and Outreach division update dated July 2022 (2 pages)
6. Science and Stewardship division update dated July 20, 2022 (4 pages)
7. Draft resolution and attachments for the Central Pine Barrens Joint Planning and Policy Commission to Authorize the purchase of one All-Terrain Vehicle for Southampton Police with Commission violation funds dated July 20, 2022 (4 pages)
8. Final resolution of the Central Pine Barrens Joint Planning and Policy Commission to Authorize the purchase of one All-Terrain Vehicle for Southampton Police with Commission violation funds dated July 20, 2022 (1 page)
9. Draft resolution of the FOREST Funding dated 2022 (page)
10. Compliance and Enforcement division update dated January - June 2022 (2 pages)
11. Land Use division update dated July 20, 2022 (1 page)
12. Credit Program update dated July 20, 2022 (3 pages)
13. Draft referral response letter to the New York State Department of Environmental Conservation Division for Peconic River Sportsman's Club dated July 20, 2022 (2 pages); NYS DEC Email and application dated June 14, 2022 (43 pages); Clipper Herbicide document dated April 22, 2021 (9 pages); Letter and attachments from FerrellFritz and attachments dated July 20, 2022 (22 pages)
14. Final referral response letter to the NYS DEC for Peconic River Sportsman's Club dated July 20, 2022 (2 pages)
15. Expressway Drive North Warehouse Building Hardship Waiver Application and attachments dated June 13, 2022 (36 pages)
16. Email from Larry Davis to request 59 Ryerson Avenue Subdivision public hearing adjournment dated July 8, 2022 (1 page)
17. Draft referral response letter and map to the Town of Southampton ZBA for 7 Eleven gas station with convenience store dated July 20, 2022 (2 pages)
18. Final referral response letter to the Town of Southampton ZBA for 7 Eleven gas station with convenience store dated July 20, 2022 (2 pages)



**Central Pine Barrens Commission Meeting Summary
Wednesday, August 17, 2022 (Approved 9/21/2022)
Remote Zoom Meeting**

2:00 pm

Commission members present: Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), Mr. Schneiderman, Ms. Scherer and Mr. Shea (for Southampton), Mr. Dale 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 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 was a Zoom meeting attending.

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 7/20/22*

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the 07/20/22 meeting minutes. The motion was approved by the four members present.**

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

Compatible Growth Area

a. *Fink's Country Farm CGA Hardship application / 6242 Middle Country Road / Wading River / 60-134-1-1.3 / exceed the 65% clearing limit for agricultural use to 95% on 11.2 acres*

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Scherer to approve the request from Mr. Rigano dated August 3, 2022 to withdraw the Fink's Country Farm Compatible Growth Area Hardship Waiver application. The motion was approved by the four members present.**

Core Preservation Area

b. *Bide-A-Wee Home Association, Inc. / Westhampton / 900-276-3-5.2 / replace two existing sanitary systems and public acquisition*

Summary: Ms. Hargrave discussed the commission received a proposal to install two new upgraded sanitary systems associated with the Bide-A-Wee facility. The property is approximately 130-140 acres, the town of Southampton is acquiring 111 acres and the remaining area where the Bide-A-Wee facility remains in the compatible growth area. The draft letter states that the proposal to facilitate acquisition of the property by the town does not constitute development.

Mr. Dale requested that we also add the specs of the system, find out the flow and refer to Southampton relative to upgrading various kinds of wastewater treatments. Ms. Scherer responded the proposed design calculations for the project is 2529 gallons per day, the plan does not state the name of the system, which is usually deferred to the health department. The Commission can suggest they use an innovative alternative system. Ms. Scherer reminded the Commission that Bide-A-Wee is transferring 90 acres of open space. Mr. Schneiderman discussed because the Commission has determined that it is non development, we could not attach a condition. He shared there are grant programs available so we can potentially provide some financial assistance if they chose to go the

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recommended route, which would not be provided if they were putting in a standard system. The Commission agrees to make a strong recommendation and not a condition to upgrade to an advanced innovative alternative system and advise grant opportunities are available. A discussion ensued.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman approve sending the draft response letter with the recommended changes for Bide-A-Wee Home Association, Inc. The motion was approved by the four members present.

- c. **Suffolk County 2020 Hike and Bike Maser Plan / Bellows Pond Road and CR 51**
Summary: Ms. Hargrave discussed the Commission received information from the consultant working with the County on the master plan for bike paths some of which run through the pine barrens. The conceptual plans of bike paths going through Bellows Pond Road and County Road 51 are in the core preservation area. The draft letter is requesting more information on the potential removal of vegetation on the side of the road and the proposed widening because they have not quantified the amount of disturbance, if there will be any and if, there will be any removal of natural vegetation in the Pine Barrens in the vicinity of the bike paths. The staff has been involved in this project since 2019. This project is in the concept phase but once the bike path plans get solidified, the County will be seeking cost estimates and funding for these plans. The plans should not get too far along without clearly knowing what kind of disturbance if any will occur.

The motion was made by Mr. Romaine and seconded by Mr. Dale to approve sending the draft response letter to Suffolk County Department of Economic Development and Planning. The motion was approved by the four members present.

3. 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 we will return to public session. The motion was approved by the four members

Core Preservation Area

- d. **Lewis Road Planned Residential Development / East Quogue, Town of Southampton / Order of Consent**

Summary: The motion was made by Mr. Schneiderman and seconded by Mr. Romaine to approve Ms. Jakobsen as Executive Director to sign and send the Order On Consent after receipt of payment for Violation of Article 57 of the Environmental Conservation Law of the State of New York. The motion was approved by the four members present.

4. Public Session of the Meeting Adjourned at 3:04pm to move into a public hearing

5. Public Hearing at 3:00pm

- a. **Expressway Drive North Compatible Growth Area-Development of Regional Significance and Hardship Waiver Application / LIE North Service Road, west of Sills Road / Yaphank / 200-662-2-5.16 / development of 549,942 square feet of warehouses in three buildings on 71.45 acres**

Summary:

A stenographic transcript was prepared for each hearing.

The motion was made by Mr. Dale and seconded by Ms. Scherer to approve

suspending the hearing for the Expressway Drive North Compatible Growth Area Development of Regional Significance and Hardship Waiver and suspend it's review because the application is not complete pursuant to 57-0123.2(b). The motion was approved by the four members present.

- b. *Finks Country Farm Compatible Growth Area Hardship Waiver / 6242 Middle Country Road, Wading River / 600-134-1-1.3 / exceed the 65% clearing limit for agricultural use to 95% on 11.2 acres*

Summary:

The application was withdrawn.

6. Public Comment

Summary: *No public comments were received.*

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

Meeting was adjourned at approximately 3:21 pm.

Attachments (in order of discussion)

1. Draft Commission meeting summary for July 20, 2022 (5 pages)
2. Final Commission meeting summary for July 20, 2022 (5 pages)
3. Email regarding Fink's Country Farm April 5, 2022 Compatible Growth Area Hardship Waiver withdrawal dated August 3, 2022 (1 page)
4. Draft response letter from the Commission regarding Bide-A-Wee Home Association, Inc. dated August 17, 2022 (1 page); Letter from Farrell Fritz dated July 27, 2022 (1 page); Letter and map from Suffolk County Health dated February 10, 2022 (3pages)
5. Final response letter from the Commission regarding Bide-A-Wee Home Association, Inc. dated August 17, 2022 (1 page)
6. Draft response letter to Suffolk County Department of Economic Development and Planning for Suffolk County 2020 Hike and Bike Master Plan dated August 17, 2022 (1 page); Maps from Suffolk County dated June 2022 (5 pages)
7. Final response letter to Suffolk County Department of Economic Development and Planning for Suffolk County 2020 Hike and Bike Master Plan dated August 17, 2022 (1 page)
8. Draft Order On Consent (No. CPBJPPC 5-2-21) and schedule A in the matter of Violation of Article 57 of the Environmental Conservation Law of the State of New York by DLV Quogue Owner, LLC and DLV Quogue, LLC Respondents dated August 12, 2022 (8 pages)
9. Final Order On Consent (No. CPBJPPC 5-2-21) and schedule A in the matter of Violation of Article 57 of the Environmental Conservation Law of the State of New York by DLV Quogue Owner, LLC and DLV Quogue, LLC Respondents dated August 12, 2022 (8 pages)
10. Draft Staff Report with exhibits for the public hearing on Expressway Drive North Compatible Growth Area Hardship Waver application and Development of Regional Significance dated August 17, 2022 (55 pages)



Central Pine Barrens Commission Meeting Summary
Wednesday, September 21, 2022 (Approved 10/19/2022)
Riverhead Town Hall
200 Howell Avenue, Riverhead, NY 11901

2:00 pm

Commission members present: Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), Mr. Schneiderman, Ms. Scherer and Mr. Shea (for Southampton), Mr. 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. Huss, Mr. Carbone, Ms. Weigand, Ms. Malangone and Ms. Brown-Walton.

Ms. Aguiar 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 almost two years since the governor has had a representative to chair the Pine Barrens Commission and that is a long absence. He discussed that he had hoped the State of New York would have filled the position. Mr. Romaine stated to call on the governor and the State to appoint a representative to the Pine Barrens Commission who by practice would share this Commission, it is supposed to be a five-member Commission. This should be something that the state is deeply invested in and the way to invest is to appoint a chairperson. Mr. Romaine expressed the need to send the Governor a letter if the vacancy is not filled by November 9, 2022 and the Commission members agreed and would be willing to sign the letter.

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 8/17/22*

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the 08/17/22 meeting minutes. The motion was approved by the four members present.**

c. *Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission to approve the renewal of the Commission's Public Officials Management and Employment Practices Liability Insurance Policy and Associated Premium*

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the renewal of the Commission's Public Officials Management and Employment Practices Liability Insurance Policy and Associated Premium. The motion was approved by the four members present.**

d. *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 and Payment of Associated Premium*

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the renewal of the Commission's New York State Insurance Fund Worker's Compensation Insurance Policy and Associated Premium. The motion was approved by the four members present.**

2. Education, Science and Stewardship

a. **NYWIMA update** - Summary: Ms. Malangone discussed highlights and updates on NYWIMA's activities covered in the previously distributed NYWIMA report.

b. **Education and Outreach update** - Summary: Ms. Parrott is managing another

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Educational Program, so she is not present. The education and outreach division's activities are covered in the previously distributed education and outreach division report.

- c. **Science and Stewardship update** - Summary: Ms. Weigand discussed highlights and updates on the Science and Stewardship 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 update** - Summary: Mr. Huss introduced Mr. Carbone our new Chief Compliance and Enforcement Officer. Mr. Huss discussed highlights and updates on the Compliance and Enforcement division's activities covered in the previously distributed compliance and enforcement division report. Mr. Romaine discussed with the Brookhaven landfill closing in 2024, there will need to be a New York State and DEC regional plan put together for the solid waste disposal. The Commission welcomed Mr. Carbone and thanked Mr. Huss again for his professionalism, dedication and service to the Pine Barrens.
- b. **Land Use update** - Summary Ms. Hargrave discussed highlights and updates on the Land Use division's activities covered in the previously distributed land use division report.
- c. **Credit Program update** - Summary: Mr. Tverdy was not present. The Credit Program's activities are covered in the previously distributed credit program division report.

Compatible Growth Area

- d. Tommasino Compatible Growth Area Hardship Waiver Application / 88 Woodland Avenue, Manorville / 200-558-2-23.3 / proposal to exceed the 35% clearing limit to 45% to construct a 9,600 square foot horse arena on a 2.4 acre project site with an existing single-family residence and barn.

Summary: Ms. Hargrave discussed that in the e-packet there is a draft decision to deny this application based on several factors including the lack of hardship that was demonstrated in the application and the use of the facility as potential commercial use in the residential area with no assurances provided to the Commission. This is not unique it was a subdivision where there were covenants placed on the property and the applicant stated at the hearing that they knew that the covenants existed at the time the property was acquired.

The motion was made by Mr. Romaine and seconded by Mr. Aguiar to adopt the decision to deny the Tommasino Compatible Growth Area hardship waiver application. The motion was approved by the four members present.

- e. Expressway Drive North Compatible Growth Area-Development of Regional Significance and Hardship Waiver application / LIE North Service Road, west of Sills Road / Yaphank / 200-662-2-5.16 / development of 549,942 square feet of warehouses in three buildings and hardship to impact steep slopes on a 71.45 acre project site / completeness, schedule public hearing

Summary: Ms. Hargrave discussed in June 2020 the Commission approved a Development of Regional Significance and Hardship impacts to steep slopes on this property under the name Silver Corporate Park. The project has been revised and renamed and it is a different project. The Silver Corporate Park project was for 12 buildings on 71 acres, the Expressway Drive North project is three buildings on the same project site that will affect some steep slopes. A new application was submitted on July 20th and the Commission scheduled a public hearing to occur on August 17th. An inspection of the site was performed before the hearing and clearing was observed on the property that was not represented in the application. Also, when the project was Silver Corporate Park there were several conditions that had to be met before any clearing could occur and any disturbance. The applicant was notified in August and on August 17th the Commission deemed the application incomplete and postponed the hearing. On September 2nd the applicant submitted a revised application and the survey showing the amount of clearing is approximately 1.56 acres of clearing. The

item is on the agenda to schedule a public hearing and the issue of the clearing separately needs to be resolved as a potential incident that will be discussed in a closed advisory session. Mr. Milazzo discussed a closed advisory session is necessary because there may be violations like other violations that the Commission have been dealing with in the recent past. To discuss those potential violations, how it comports with other activities and then perhaps have a path forward to resolve if there are violations found. Mr. Romaine stated that while clearing was done, it may not have been done by the applicant, it may have been done by the former owner. There are still potential violations, and the attorney has reached out to try to settle. Mr. Romaine asked would the settlement be similar to other settlements of the similar nature?

Mr. Tim Shea stated something to consider while discussing in Advisory session that it was a prior hardship application that was granted to the prior owner of this property in 2020. The applicant made applications and obtained two permits one from the town of Brookhaven and one from the Suffolk County Department of Health Services both for the clearing to take place. It's tree clearing and test 3 holes for the site and that is evidenced in the August 16, 2022 letter sent to staff. Further evidence was the results of those test holes and the date of execution of those test holes which was December 2020. Mr. Shea also sent the deed that was executed on December 15, 2021 one year after the test holes were done evidencing that the applicant did not have fee title to the property at that time. In the test hole permit applications, it is clear that Silver was a signatory on each one of those permit applications. It should also be noted that the clearing area is consistent with areas that were to be cleared. In the Pine Barrens Hardship waiver the prior applicant failed to record the covenants and do other matters that would be required as a condition of that approval and that is acknowledged. The current applicant was not the fee title owner at the time that the clearing took place, had nothing to do with it and it would appear that the prior owner attempted to get whatever permits it needed although it appears that they failed to properly notice the Pine Barrens Commission. Mr. Shea was authorized to offer or to ask that the Commission settle any violation on this matter that it deems after executive session with a penalty similar to that that was given on the matter of AVR last year which was the redemption of a Pine Barrens credit or a cash deposit in the equivalent, which was found to be \$92,500. Mr. Shea was authorized to make that offer to the Commission that it makes life easier since the long-eared bat season is quickly approaching and there is a very short window to do clearing on this property. A preliminary planning board hearing is scheduled for October and the applicant hopes to resolve all issues and obtain a clearing permit within that window of time, which would run from December 1st through February 28th.

Mr. McCormick asked if there is an indemnification agreement between the present applicant and prior applicant regarding any potential violations? Mr. Shea responded he was not involved in the contract it was a real estate contract and normally in a closing unless there's something provided outside of that scope, the new owner is responsible. As a new owner the applicant is willing to take responsibility for this action of the prior owner to the extent that the offer was made, it is hoped the Commission would be agreeable with that penalty since it is consistent with prior penalties that were issued within the last year.

The motion was made by Mr. Schneiderman and seconded by Mr. Romaine to authorize the Executive Director to enter settlement negotiations with Silver Corporate Park and WF Industrial to settle the alleged violations on the terms acceptable to the Executive Director. The Executive Director is also authorized to execute an Order on Consent and if the Order on Consent is executed and payment is received by a date the Executive Director deemed appropriate, a public hearing on this matter is scheduled for October 19, 2022. The motion was approved by the four members present.

f. PSEG-LI Request for Determination of Jurisdiction / LIE North Service Road, Yaphank /

install 20 new wood utility poles and replace 10 existing wood utility poles that are taller and wider for the Expressway Drive North project / Determination

Summary: Ms. Hargrave discussed this project is for 20 new polls in the road front of the Expressway Drive North site. There are currently no utility poles, it is undeveloped, wooded and a vacant site. The polls begin a little further west, 10 poles would be replaced in that area and new poles would be established for this project. The poles would be a little larger and wider than the existing poles under 10 feet, but the material would remain as wood. The applicant was asked if they could place these utilities poles underground to be less visible as part of the Silver Corporate Park the DRS review of that application and then in this new project in an effort to preserve the view shed which is one of the guidelines in the Pine Barrens Land Use plan. Ms. Hargrave stated within the last couple of years, there were some utility poles replaced in Speonk in town of Southampton and in the Eastport area and that was non-development so this is non-development. Mr. Romaine discussed his concern about LIPA failing in its responsibility to bury power lines by putting together a multi-year program particularly in view sheds and even more so in critical storm areas. Mr. Romaine stated that LIPA has failed to do what they should have been doing since 1985 with Hurricane Gloria and by doing so they have put Long Island at risk and in jeopardy.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve to support the determination of jurisdiction regarding installing 20 new wood utility poles and replacing 10 existing wood utility poles. The motion was approved by the four members present.

Core Preservation Area, Compatible Growth Area, Critical Resource area

g. Lewis Road Planned Residential Development / East Quogue / 130 residences, 18 hole private golf course, sewage treatment plant, other recreational amenities and infrastructure on a 608 acre project site. Southampton Town Planning Board Referral Site Plan and Final Subdivision / draft response

Summary: Ms. Hargrave discussed this project is the assertion of jurisdiction application that the Commission approved in January 2021. On August 17th the Commission received a referral from the Town of Southampton Planning Board for this site plan, final subdivision and referral of the groundwater monitoring report. There is a draft response to that referral just requesting additional information or clarification on the material that was referred. On August 29th our Executive Director Ms. Jakobsen emailed the applicant with some comments based on our preliminary review of the material from the town. Noticing there were some minor changes and there were questions about how it is consistent with the decision that the Commission approved. For instance, the road has been relocated, there are some changes in some of the clearing and conservation areas, some changes in the drainage areas. On September 7th the applicant provided some additional material to respond to those comments which is in the e-Packet. Ms. Hargrave discussed that once the completed materials for this project are received, the Commission should carefully review it with the decision that the Commission made in January 2021 to identify any changes or inconsistencies. There is a draft response to the referral for your consideration.

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve to send the draft response letter to the Town of Southampton for the Lewis Road Planned Residential Development site plan, final subdivision and groundwater review.

4. Public Hearings at 3:00pm - Postponed

a. 59 Ryerson Avenue Subdivision Compatible Growth area hardship Waiver Application / Manorville / 200-461-4-31 & 32 / two-lot substandard subdivision on a 0.8 acre project site in the A Residence 2 Zoning District with an existing single residence.

Summary: The motion was made by Mr. Romaine and seconded by Mr. Freleng to approve the applicant's request to postpone the hearing to November 16, 2022

and extend the decision deadline to January 18, 2023. The motion was approved by the four members present.

5. Public Comment

Summary: No public comments were received

Public Session of the Meeting Adjourned at 3:00 pm.

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 advisory session for the purpose of obtaining legal advice from Commission counsel and that they would return to public session. The motion was approved by the four members present.

The motion was made at 3:15 pm by Mr. Romaine and seconded by Mr. McCormick to return to the public portion of the meeting. The motion was approved by the four members present.

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

Meeting was adjourned at approximately 4:00 pm.

Attachments (in order of discussion)

1. Draft Commission meeting summary for August 17, 2022 (3 pages)
2. Final Commission meeting summary for August 17, 2022 (3 pages)
3. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission to approve the Renewal of the Commission's Public Officials Management and Employment Practices Liability Insurance Policy and Associated Premium dated September 21, 2022 (1 page)
4. Final resolution of the Central Pine Barrens Joint Planning and Policy Commission to approve the Renewal of the Commission's Public Officials Management and Employment Practices Liability Insurance Policy and Associated Premium dated September 21, 2022 (1 page)
5. 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 and Payment of Associated Premium dated September 21, 2022 (5 pages)
6. Final 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 and Payment of Associated Premium dated September 21, 2022 (5 pages)
7. NYWIMA update dated September 21, 2022 (1 page)
8. Education and Outreach division update dated September 21, 2022 (3 pages)
9. Science and Stewardship division update dated September 21, 2022 (4 pages)
10. Compliance and Enforcement division update dated January - August 2022 (3 pages)
11. Land Use division update dated September 21, 2022 (1 page)
12. Credit Program update dated September 21, 2022 (3 pages)
13. Draft decision to deny Tommasino Compatible Growth Area Hardship Waiver Application dated September 21, 2022 (7 pages)
14. Final decision to deny Tommasino Compatible Growth Area Hardship Waiver Application dated September 21, 2022 (7 pages)
15. Expressway Drive North Warehouse Building Hardship Waiver Application and attachments dated September 1, 2022 (76 pages)
16. Letter and attachments request for process clarification from Hannah Emouna, PSEG-LI regarding PSEG Long Island pole installation project, Long Island Expressway Service Road North, town of Brookhaven dated September 7, 2022 (12 pages)
17. Draft referral response letter to the Town of Southampton for Lewis Road Planned Residential Development Site Plan, Final Subdivision and Groundwater Review Central Pine Barrens Core Preservation Area, Critical Resource Area and Compatible Growth Area dated September 21, 2022 (3 pages); Letters and attachments from Town of Southampton regarding Lewis Road PRD, Site Plan-Application, Subdivision-Final, Subdivision Groundwater Review dated August 16, 2022 (62 pages)
18. Final referral response letter to the Town of Southampton for Lewis Road Planned Residential Development Site Plan, Final Subdivision and Groundwater Review Central Pine Barrens Core Preservation Area, Critical Resource Area and Compatible Growth Area dated September 21, 2022 (3 pages)
19. Email from Raymond Camilleri to request 59 Ryerson Avenue Subdivision public hearing postponement/extension of Hardship request dated September 12, 2022 (1 page)



**Central Pine Barrens Commission Meeting Summary
Wednesday, October 19, 2022 (Approved 11/16/2022)
Wertheim National Wildlife Refuge
340 Smith Road Shirley, NY 11967**

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. Freleng (for Suffolk County), Mr. Calarco New York State Governor's Representative

Others present: Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Carbone, Mr. Enright 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 introduced Ms. Annjanette Bagozzi, Manager at Long Island National Wildlife Refuge. Ms. Jakobsen also pleased to announce that Governor Hochul's representative is Mr. Robert Calarco, Assistant Regional Director, Region 1, New York State Department of Environmental Conservation is present, but he will not be voting as a Commission member in the meeting today.

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H.
Schneiderman
Member

1. Administrative and Public Comment

a. *Public Comments*

Summary: Ms. Leonhardt of the Long Island Pine Barrens Society discussed an item that was not on the agenda, but she wanted to get it on the record that the Long Island Pine Barrens Society supports the Town of Brookhaven filing of an Article 78 on the Delea Sod Farms which would be detrimental to the environment. These actions include the importing of mulch for the sole purpose of bulk sales and business unrelated to farm growing. The Pine Barrens Protection Act was created to preserve land and protect the sole source aquifer. Mr. Romaine discussed farms are important and the town of Brookhaven promotes farming, but when farms bring in products that are not produced on the farm and turn it into a retail facility it undermines the Brookhaven Town zoning code and the Pine Barrens Act. Ms. Pines confirmed the case is in the third department. Mr. Milazzo discussed the Central Pine Barrens Commission was added to the lawsuit as a necessary party.

b. *Minutes for 9/21/22*

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the 09/21/22 meeting minutes. The motion was approved by the four members present.**

2. Education, Science and Stewardship

a. *Draft Resolution to appoint a new Chair and Co-Vice Chair of the Central Pine Barrens Wildfire Task Force*

Summary: **The motion was made by Mr. Romaine and seconded by Mr. Freleng to approve the appointment of new Chair and Co-Vice Chair of the Central Pine Barrens Wildfire Task Force. The motion was approved by the four members present.**

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

a. *Comprehensive Land Use Plan Amendments: schedule vote for December 21, 2022*

Summary: Ms. Hargrave reminded the Commission the initial Land Use Plan Amendments hearing was on April 20, 2022. The Amendments comment period closed on May 31, 2022. There were comments from the Long Island Builders Institute and support from the Bird Conservation Standard. The staff has addressed the comments and

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reworked Chapter 5 to make it more concise and easier to be implemented without changing the substance. The staff will ensure that it aligns with SEQRA time frames. The material will be distributed to the Commission in November and a vote will be scheduled

The motion was made by Mr. Romaine and seconded by Ms. Scherer to approve to schedule a vote on the comprehensive Land Use Plan Amendment at the December 21st meeting. The motion was approved by the four members present.

Core Preservation Area

- b. *Holy Trinity Lutheran Church core Preservation Area Hardship Waiver application / 93 Yaphank-Middle Island Road, Middle Island / 200-456-2-4.1 and 5 / remove trees and expand parking area on a 2.86 acre project site.*

Summary: Ms. Hargrave discussed the church is requesting to remove trees and to expand the parking lot. The church is requesting retroactive approval because they have already removed the trees and may be in violation. The proposal will be addressed after discussing the potential violation in the Advisory Session.

The motion was made by Mr. Romaine and seconded by Ms. Scherer to approve the Commission staff to issue a Notice of Violation to Holy Trinity Church. The motion was approved by the four members present.

Core Preservation Area, Compatible Growth Area, Critical Resource Area

- c. *Lewis Road Planned Residential Development Assertion of Jurisdiction / East Quogue / development of 130 residences, an 18-hole private golf course, sewage treatment plant, other recreational amenities and infrastructure on a 607.74 acre project site*

Summary: Ms. Hargrave discussed because the project has changed and depending on the complexity of the changes this could require a more extensive Commission review and require a public hearing therefore this project is being considered as incomplete. Mr. Shea discussed the need to add to the letter a requirement to submit a phasing plan. Mr. Milazzo discussed the legal reasons to add incompleteness to the letter. Conversations ensued amongst the Commission members about the project and options to address it.

The motion was made by Mr. Romaine and seconded by Mr. Freleng to approve to send the draft letter on the Lewis Road Planned Residential Development Project with changes suggested by Mr. Shea and Mr. Milazzo. The motion was approved by the four members present.

4. Public Hearings at 3:00pm Adjourned

- a. *Expressway Drive North Compatible Growth Area hardship Waiver and Development of Regional Significance and Application / LIE North Service Road west of Sills Road / Yaphank / 200-662-2-5.16 / development of 549,942 square feet of warehouse in three buildings and hardship waiver to impact 0.98 acres of steep slopes on 71.45 acres project sight*

Summary:

A stenographic transcript was prepared for the hearing.

5. Public Comment

Summary: No public comments were received.

Public Session of the Meeting Adjourned at 2:30pm

6. Closed to Advisory Session

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to adjourn 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 return to the public session. The motion was approved by the four members present.

The motion was made at 3:05 pm by Mr. Romaine and seconded by Mr. McCormick to return to the public portion of the meeting. The motion was approved by the four members present.

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.

Meeting was adjourned at approximately 4:06 pm

Attachments (in order of discussion)

1. Draft Commission meeting summary for September 21, 2022 (6 pages)
2. Final Commission meeting summary for September 21, 2022 (6 pages)
3. Draft resolution to Appoint a new Chair and Co-Vice Chair of the Central Pine Barrens Wildfire Task Force with attachments dated October 19, 2022 (11 pages)
4. Final resolution to Appoint a new Chair and Co-Vice Chair of the Central Pine Barrens Wildfire Task Force dated October 19, 2022 (1 page)
5. Holy Trinity Lutheran Church Letter and Core Preservation Area Hardship Application dated October 7, 2022 (27 pages)
6. Draft response letter from the Commission for Lewis Road Planned Residential Development Assertion of Jurisdiction dated October 19, 2022 (2 pages)
7. Final response letter from the Commission for Lewis Road Planned Residential Development Assertion of Jurisdiction dated October 19, 2022 (2 pages)
8. Draft Staff Report with exhibits for the public hearing on Express Drive North Compatible Growth Area Hardship Waiver application and Development of Regional Significance dated October 19 2022 (20 pages)



**Central Pine Barrens Commission Meeting Summary
Wednesday, November 16, 2022 (Approved 12/21/22)
Brookhaven Town Hall
One Independence Hill, Farmingville, NY 11738**

2:00 pm

Commission members present: Mr. Calarco (New York State Governor's Representative), Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. Stafford (for Riverhead), Ms. Scherer and Mr. Shea (for Southampton) and Mr. Freleng (for Suffolk County).

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

Mr. Romaine led the pledge to the flag and Ms. Jakobsen noted that all five Commission members present there is a quorum. Ms. Jakobsen noted that the 59 Ryerson Avenue Subdivision CGA Hardship Waiver public hearing was adjourned. Ms. Jakobsen noted that the Governor's Representative, Mr. Robert Calarco would be attending as a voting member. She also noted that Mr. Richard Stafford is the Town Deputy Attorney for Riverhead and will also serve as a Designated Representative for Ms. Aguiar. Mr. Milazzo and the Commission members and representatives recognized and applauded Ms. Jakobsen for doing a great job as the non-voting Chair in the absence of a chairperson.

Robert T. Calarco
Chair

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 noted that written comments were received by Ms. Nina Leonhardt from Long Island Pine Barrens Society regarding Gabreski Airport. She also noted that written comments were received from Mr. Bill Kearns and Ms. Elizabeth Jackson regarding the Lewis Road Project.

Ms. Leonhardt discussed the concern the Pine Barrens Society has regarding Gabreski Airport Project. The Pine Barrens Society is requesting a written plan so that all the stakeholders are aware of what is planned for the sight.

b. Minutes for 10/19/22

Summary: The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the 10/19/22 meeting minutes. The motion was approved by a 5:0 vote.

c. Designation of the Central Pine Barrens Joint Planning and Policy Commission chair: vote, approval

Summary: The motion was made by Mr. Romaine and seconded by Ms. Aguiar to elect Mr. Robert Calarco the Governor's Representative as the Central Pine Barrens Joint Planning and Policy Commission Chair. The motion was approved by a 5:0 vote.

d. Schedule a public hearing to authorize remote meetings pursuant to Open Meetings Law 103-c

Summary: Mr. Milazzo discussed that the recent amendments to the Open Meetings Law modify the manner the Commission can conduct meeting which members participate by video conference. A draft resolution and procedures are in the epacket. A public hearing is proposed in December and if approved, it could be adopted in January. The guidelines of the Open Meetings Law 103-c were followed, the contact section was expanded, the definition of extraordinary circumstances was broad and can be to the satisfaction of the Chair and Executive Director. Mr. Milazzo discussed under the amendment to convene a meeting, four Commission members must participate from locations open to the public and the Commission must notice where the members will attend. In extreme emergency circumstances the

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Commission could have a remote meeting without public access.

The motion was made by Mr. Shea and seconded by Ms. Aguiar to approve scheduling a public hearing for December 21, 2022 at 2:00pm on the draft resolution and procedures to adopt the amended Open Meetings Law. The motion was approved by 5:0 vote.

2. Education, Science and Stewardship

- a. **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.
- b. **Science and Stewardship update** - *Summary:* Ms. Weigand discussed highlights and updates on the Science and Stewardship division's activities covered in the previously distributed science and stewardship division report.
- c. Draft resolution to approve cost increase related to prescribed fire equipment / approval
Summary: **A motion was made by Mr. Romaine and seconded by Mr. Shea to approve the draft resolution to purchase Prescribed Fire Program tools, equipment apparatus and vehicles. The motion was approved by 5:0 vote.**
- d. To approve the draft resolution to purchase a customized 2023 Ford F550 Chassis Cab with Skid Unit to Type 6 Initial Attack Truck
Summary: **A motion was made by Ms. Scherer and second by Mr. Romaine to approve the draft resolution to purchase a customized 2023 Ford F550 Chassis Cab with Skid Unit to type 6 Initial Attack Truck. The motion was approved by 5:0 vote.**

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

- a. **Compliance and Enforcement update** - *Summary:* Mr. Carbone discussed highlights and updates on the Compliance and Enforcement division's activities covered in the previously distributed compliance and enforcement division report.
- b. **Land Use update** - *Summary:* Ms. Hargrave discussed highlights and updates on the Land Use division's activities covered in the previously distributed land use division report.
- c. **Credit Program update** - *Summary:* Mr. Tverdyy discussed highlights and updates on the Credit Program's activities covered in the previously distributed credit program report.

Compatible Growth Area

- d. **SEQRA Coordination: Suffolk County Council on Environmental Quality Gabreski Airport Proposed Air Traffic Control Tower Replacement Project / Proposal to replace the existing 75-foot-tall air traffic control tower with a 164-foot tower and vegetation removal in accordance with the Airport Land Use Plan.**

Summary: Ms. Hargrave discussed that the Gabreski Airport is in the Central Pine Barrens area. Most of the airport is in the Compatible Growth Area including a portion that is in the Critical Resource Area. A small portion of the airport is in the Core Preservation Area. The proposal is to construct a new 164-foot-tall air traffic control tower on the west side of the airport to replace an existing 75-foot tall air traffic control tower and the clearing of 22 acres on the east side of the airport to allow visual control over the active runways and roadways. All the activities will occur in the Compatible Growth Area and are outside the Critical Resources areas. Ms. Hargrave discussed the project clearing standard conforms with the map titled Gabreski Airport Proposed Land Use Plan dated January 2007. A draft letter has been prepared for the Commission's consideration.

The motion was made by Mr. Shea and seconded by Mr. Romaine to send the draft letter regarding the Gabreski Airport Air Traffic Control Tower Replacement Project. The motion was approved by 5:0 vote.

- e. *Expressway Drive North Compatible Growth Area Hardship Waiver and Development of Regional Significance and Application / LIE North Service Road, west of Silks Road / Yaphank / 200-662-2-5.16 / development of 549,942 square feet of warehouses in three buildings and hardship to impact 0.98 acres of steep slopes on a 71.45-acre project site/*
Summary: Ms. Hargrave discussed there is a draft resolution with minor changes that has been prepared for the Commission's consideration. Ms. Hargrave discussed there is a Department of Transportation easement on the southeast side of the site that is not part of the site that has to be carved out and that will modify the open space area by half an acre. She also discussed one of the conditions indicate that additional density cannot be generated by the open space because this is a cluster development and the open space cannot be used again in the future.

The motion was made by Mr. Romaine and seconded by Mr. Freleng to approve the amended resolution to approve the Expressway Drive North Development of Regional Significance and Compatible Growth Area Hardship Waiver. The motion was approved by 5:0 vote.

- f. *59 Ryerson Avenue Subdivision Compatible Growth area hardship Waiver Application / Ryerson Ave/Darcy Avenue, Manorville / 200-461-4-31 & 32 / two-lot substandard subdivision on a 0.8 acre with one existing residence in the A2 Residence Zoning District / decision deadline 1/18/23 / request for adjournment of hearing and extension of decision deadline to 3/15/23.*

Summary: The motion was made by Mr. Shea and seconded by Mr. Romaine to adjourn the hearing to January 18, 2023 and extend the decision deadline date. The motion was approved by 5:0 vote.

Core Preservation Area, Compatible Growth Area, Critical Resource area

- g. *Lewis Road Planned Residential Development / Information item*

Summary: Ms. Hargrave discussed that on November 8, 2022 the applicant submitted documents responding to comments in the Commission's letters of September 21, 2022 and October 19, 2022. Ms. Hargrave discussed that those items focused on the proposed phasing plan, how the development would be phased, groundwater monitoring plan and the access easement off of Lewis Road and drainage plans. This item is on the agenda as an information item. The Commission Staff is still reviewing the material to confirm that the project is still consistent with the decision that was made in January 2021. Ms. Scherer discussed that the decision is at the final plat review stage. The Southampton Town Planning Board has to make a decision by December 8, 2022. In order to meet the Planning Board date of December 8, 2022 the Commission could either hold another meeting before December 8, 2022 to give the staff time to review the material or the Planning Board will have to make a conditional decision before the Commission. The Commission decided to schedule a Special Central Pine Barrens Commission Meeting on Wednesday, December 7, 2022 at 10:00am to discuss the material received on the Lewis Road Project.

The motion was made by Mr. Romaine and seconded by Mr. Freleng to approve scheduling a Special Central Pine Barrens Commission Meeting on Wednesday, December 7, 2022 at 10:00am at Brookhaven Town Hall to discuss the Lewis Road Project. The motion was approved by 5:0 vote.

4. Public Hearings at 3:00pm - Postponed

- a. *59 Ryerson Avenue Subdivision Compatible Growth area hardship Waiver Ryerson Ave/Darcy Ave, Manorville / 200-461-4-31 & 32 / two-lot substandard subdivision on 0.8 acre with one existing residence in the A2 Residence Zoning District / decision deadline 1/18/23.*

5. Public Comment

Summary: No public comments were received

Public Session of the Meeting Adjourned at 3:00 pm.

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 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 a 5:0 vote.

Meeting was adjourned at approximately 3:40 pm.

Attachments (in order of discussion)

1. Nina Leonhardt written public comment regarding the Gabreski Airport Proposed Air Traffic Control Tower Replacement Project dated November 16, 2022 (1 page)
2. Bill Kearns written public comment regarding the Lewis Road Project dated November 16, 2022 (1 page)
3. Elizabeth Jackson written public comment and attachment regarding the Lewis Road Project dated November 15, 2022 (7 pages)
4. Draft Commission meeting summary for October 19, 2022 (3 pages)
5. Final Commission meeting summary for October 19, 2022 (3 pages)
6. Resolution to schedule a public hearing to authorize remote Central Pine Barrens Joint Planning and Policy Commission meetings pursuant to the Open Meetings Law 103-c dated November 7, 2022 (6 page)
7. Education and Outreach division update dated October 2022 (6 pages)
8. Science and Stewardship division update dated November 16, 2022 (10 pages)
9. Draft resolution to purchase Prescribed Fire Program Tools, Equipment, Apparatus and Vehicles dated November 16, 2022 (2 pages)
10. Final resolution to purchase Prescribed Fire Program Tools, Equipment, Apparatus and Vehicles dated November 16, 2022 (2 pages)
11. Draft resolution to purchase customization of Ford 550 chassis at Type 6 Initial Attack Truck (IAT) using NYSDEC Prescribed Fire Program Contract Funds dated November 16, 2022 (25 pages)
12. Final resolution to purchase customization of Ford 550 chassis at Type 6 Initial Attack Truck (IAT) using NYSDEC Prescribed Fire Program Contract Funds dated November 16, 2022 (25 pages)
13. Compliance and Enforcement division update dated September - October 2022 (2 pages)
14. Land Use division update dated November 16, 2022 (1 page)
15. Credit Program update dated November 16, 2022 (4 pages)
16. Draft SEQRA Coordination: Suffolk County Council on Environmental Quality Gabreski Airport Proposed Air Traffic Control Tower Replacement Project / proposal to replace the existing 75-foot-tall air traffic control tower with a 164-foot tower and vegetation removal in accordance with the Airport Land Use Plan dated November 16, 2022 (3 pages); Memo and Environmental Assessment form from John Corral dated October 20, 2022 (38 pages); Letter, surveys and maps from United States Department of the Interior Fish and Wildlife Service dated March 21, 2022 (13 pages); Letter, report and photos from Heidi Krahlting dated March 7, 2022 (13 pages)
17. Final SEQRA Coordination: Suffolk County Council on Environmental Quality Gabreski Airport Proposed Air Traffic Control Tower Replacement Project / proposal to replace the existing 75-foot-tall air traffic control tower with a 164-foot tower and vegetation removal in accordance with the Airport Land Use Plan dated November 16, 2022 (3 pages)
18. Draft Decision to Approve Expressway Drive North Development of Regional Significance Compatible Growth Area Hardship Waiver and Application dated November 16, 2022 (12 pages)

19. Final Decision to Approve Expressway Drive North Development of Regional Significance Compatible Growth Area Hardship Waiver and Application dated November 16, 2022 (12 pages)
20. Email from Raymond and Bridget Camilleri to request for adjournment of hearing and extension of decision deadline dated November 7, 2022 (1 page)
21. Nelson Pope Voorhis Response Letter to Central Pine Barrens Commission Referral of September 21, 2022 to the Town of Southampton Lewis Road Planned Residential Development Subdivision previously Approved Assertion of Jurisdiction dated November 7, 2022 (12 pages); Letter to Janice Scherer from Bryan Grogan dated November 7, 2022 (5 pages); Email from Charles Voorhis to Julie Hargrave dated November 6, 2022 (2 pages); Nelson Pope Voorhis Response to Central Pine Barrens Commission Letter of October 19, 2022 to the Applicant regarding Lewis Road Planned Residential Development Subdivision dated November 8, 2022 (7 pages)



Special Meeting
Central Pine Barrens Commission Meeting Summary
Wednesday, December 7, 2022 (Approved 12/21/22)
Brookhaven Town Hall
One Independence Hill, Farmingville, NY 11738

10:00 am

Commission members present: Mr. Calarco (New York State Governor's Representative), Mr. Romaine and Ms. Pines (for Brookhaven), Mr. Stafford (for Riverhead), Ms. Scherer and Mr. Shea (for Southampton) and Mr. Freleng (for Suffolk County).

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

Mr. Romaine led the pledge to the flag and Mr. Calarco noted that all five Commission members present there is a quorum.

Robert T. Calarco
Chair

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H.
Schneiderman
Member

1. Public Comment

Summary: Mr. Calarco noted that written comments were received list attached. Public comments were made by the persons listed in the attached. Several of the comments were made in opposition to the project including concerns with potential impacts to groundwater, entrance options, the sewage treatment plant, project size has increased to a commercial project, habitat disturbance, danger to the water quality and the quality of life in the pine barrens.

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

Core Preservation Area, Compatible Growth Area, Critical Resource

a. *Lewis Road Planned Residential Development Assertion of Jurisdiction Application / East Quogue / development of a seasonal resort community, 118 seasonal residences and 12 year-round workforce housing units, 18-hole private golf course clubhouse, a sewage treatment plant, recreational uses, ponds, roads, infrastructure on 607.87 acres on 178 tax parcels / discussion and deliberation of draft amendment / hearing record closed*

Summary: Ms. Hargrave discussed the draft resolution has corrections and a few minor changes. The Commission has received approximately 30 comments in opposition to this project. Mr. Milazzo discussed that the draft determination that the project conforms was posted on the Central Pine Barrens website. It was determined that the modifications were not significant to the parameter of the original determination that was approved in 2021. He discussed the Town of Southampton will be making a decision on this project tomorrow. Mr. Milazzo discussed the three minor revisions to the draft resolution which will be included in the final resolution. Mr. Milazzo discussed a request all parties to agree on the final date of the map this will assure all parties are working from the same map. Mr. Milazzo also discussed there are a few changes to the draft Declaration of Covenants and Restrictions document which will be included in the final covenant document. Ms. Scherer discussed a need to make a few additional changes to the draft, which will be noted in the final draft of the resolution. Mr. Romaine noted he is in opposition of the project because it is the largest project that has taken place in the Pine Barrens, the project may have merit, but it is in the wrong place. Mr. Romaine noted that procedurally the original SEQRA was presented to the Town Planning Board and they voted against the project and after the town lawsuit the project was resurrected under a new name and moved forward. Mr. Romaine will vote no on the project with several other law makers mentioned. Mr. Romaine asked to have his statement distributed to the Commission members made part of the official record.

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The motion was made by Ms. Scherer and seconded by Mr. Stafford to approve the draft resolution with changes discussed and allowing the Chair to make minor technical adjustments approved by the Commission staff to Amend the Commission's Decision for the Lewis Road Planned Residential Development of Jurisdiction Application dated January 20, 2021 as well as the amended draft Declaration of Covenants and Restrictions. The motion was approved with 3 votes, 1 abstention Mr. Calarco, and 1 opposed Mr. Romaine.

3. Public Comment

Summary: There were four public comments that were in opposition of the decision of the Commission members to pass the draft resolution to Amend the Commission's Decision for the Lewis Road Planned Residential Development Assertion of Jurisdiction Application dated January 20, 2021.

4. Closed Public Session

The motion was made by Mr. Romaine and seconded by Mr. Calarco to close the public portion of the meeting

Meeting was adjourned at approximately 11:10 am.

Attachments (in order of discussion)

1. Draft Resolution to Amend the Commission's Decision for the Lewis Road Planned Residential Development Assertion of Jurisdiction Application dated January 20, 2021 dated December 7, 2022 (6 pages); Draft Declaration of Covenants and Restrictions (CBPC) dated December 1, 2022 (12 pages)
2. Final Resolution to Amend the Commission's Decision for the Lewis Road Planned Residential Development Assertion of Jurisdiction Application dated January 20, 2021 dated December 7, 2022 (6 pages); Final Declaration of Covenants and Restrictions (CBPC) dated December 1, 2022 (12 pages)
3. Supervisor Edward Romaine's opposition statement received December 7, 2022
4. List of people who submitted written comments by December 7, 2022 and copies of comment letters