



Central Pine Barrens Commission Meeting Agenda
Wednesday, May 17, 2023 (APPROVED)
Wertheim National Wildlife Refuge
340 Smith Road
Shirley, NY 11967

2:00 pm

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

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

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

Robert Calarco
Chairman

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

1. **Administrative and Public Comment**

a. *Public Comment*

Summary: No public comments were received.

b. *Minutes for 4/19/23 review*

*Summary: **The motion was made by Mr. Romaine and seconded by Mr. Dale to approve the April 19, 2023 meeting minutes. The motion was approved by 5:0 vote.***

2. **Education and Science and Stewardship**

a. *Education and Outreach Division: 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 Division: update*

Summary: Ms. Weigand was not present, the Science and Stewardship division's activities were covered in the previously distributed science and stewardship division report.

c. *USGS Annual presentation of the five-year water resources study (Amy Simonson, USGS)*

Summary: Ms. Simonson presented an update on the progress of USGS's study and collection data on groundwater and surface water resources in the Central Pine Barrens. This data includes all of the hydrologic conditions for surface water and groundwater and water quality data. It also provides data to monitor the ecohydrological stress, looking at the relationship between water resources and ecology including the environment and organisms present in the environment. Ms. Simonson explained the precipitation is in a low to normal level and currently the region is not in a drought. Mr. Romaine was concerned about the water quantity and the long-term forecast in terms of a return to normal groundwater levels. Ms. Simonson explained it would be dependent upon the amount of precipitation received. She shared that the data is publicly accessible on the USGS website at USGS.gov/Llpinebarrens.

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

a. *Compliance and Enforcement Division: update*

Summary: Mr. Steiger 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 a few enforcement issues that will be coming forward to the Commission and to the DEC.

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- b. *Land Use Division: update*
Summary: Ms. Hargrave discussed highlights and updates on the Land Use division's activities covered in the previously distributed land use division report. Mr. Milazzo reiterated that the plan amendments are up on the website and have been adopted. The town's responsibility will be to update their codes by April 2024 to be sure the town is in compliance with the new provisions. Mr. Romaine requested that the Commission draft a letter to each of the three town attorneys to notify them of the amendment changes to bring the codes into compliance.
- 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.

Core Preservation Area

- d. *NYSDEC SEQRA Lead Agency Coordination: 4 Old Country Road, LLC (formerly Westhampton Mining Aggregates) / 76 North Summit Boulevard, Westhampton / 900-331-4-5; 900-332-3-26, 28.1 & 28.2 / construction of a solid waste management facility and future redevelopment on 44 acres in the CR 200 zoning district.*
Summary: Ms. Hargrave discussed there have been some minor edits to the draft letter. The current proposal is to develop a solid waste management facility to fill in the former mine pit and over time there is expected to be a proposal to change the zoning district to allow for the redevelopment of the sand mine. Mr. Romaine asked about the reclamation plan and Ms. Scherer discussed the previous Order of Consent from the prior owner which has not been seen. Ms. Hargrave discussed the referral came from the DEC and the first step is to fill in the pit to restore the site elevation so that it can be redeveloped. An environmental impact statement is encouraged.

The motion was made by Mr. Romaine and seconded by Mr. Stafford to send the modified letter for NYS DEC to be the Lead Agency for the 4 Old Country Road project. The motion was approved by 5:0 vote.

- e. *NY Cancer & Blood Specialists Core Preservation Area Hardship Waiver Application (Ascend Realty Partners, LLC) / One Research Road, Ridge, w/s William Floyd Parkway / 200-459-1-1.4 / parking lot expansion for a medical facility on 5 acres in the L Industrial 1 zoning district, former site of American Physical Society / decision deadline 7/19/23 / applicant's request to adjourn hearing and extend decision deadline.*
Summary: **The motion was made by Mr. Romaine and seconded by Mr. Dale to adjourn the hearing to June 21, 2023 and extend the decision deadline to July 19, 2023. The motion was approved by 5:0 vote.**

Compatible Growth Area

- f. *Southampton Town SEQRA Lead Agency Coordination: Riverside Community Sewage Treatment Plant / development of 800,000 gpd sewage treatment plant in the Light Industrial 40 zoning district and infrastructure including leaching area, pump stations, force main and related facilities.*
Summary: Ms. Hargrave discussed according to the referral, the town Board has determined that a Supplemental Generic Environment Impact Statement is needed for the project to implement the development plan for Riverside. The proposal is to develop a sewage treatment plant.

The motion was made by Mr. Dale and seconded by Mr. Stafford to send the letter for Southampton to be the Lead Agency for Riverside Community Sewage Treatment Plant. The motion was approved by 5:0 vote.

- g. *Request for Determination of Jurisdiction 7 Eleven Shirley Change of Zone and Site Plan / 1481 William Floyd Parkway, Shirley / 200-642-3-41.3, 41.4, 41.5 / change of zone to develop a gas station and expansion and redevelopment of a convenience store on 1.3 acres*
Summary: Ms. Hargrave discussed the project is the redevelopment of a site that has an existing convenience store. The proposal constitutes development activity pursuant to the

Long Island Pine Barrens Protection Act. If the project does not confirm, the application may be revised to conform or the applicant must apply for a CGA Hardship Waiver from the Commission. Table 7 in the project traffic study dated September 2021 identifies that the project achieves a threshold definition of a Development of Regional Significance. The impact of a level of service C to D is reached at the William Floyd Parkway and Moriches Middle Island Road in intersection the weekday evening peak hour from the existing condition to the build condition.

Mr. Ingber from Brown, Altman & Dileo, LLP discussed his objection to the staff's classification of a DRS for the project for the reason that the application does not satisfy the definition of DRS of the Central Pine Barrens Comprehensive Land Use Plan and should not be classified as DRS. The application does not cause the level of service at the William Floyd Parkway and Moriches Middle Island Road intersection to decrease in Level of Service. With or without the project the level of service will be decreased to a D. Mr. Milazzo explained that the project impacts the level of service from a C to D and therefore the project has been classified as a DRS.

- h. Brookhaven Town Board referral Vineyards at Selden Change of Zone / Middle Country Road, east of New Lane, Selden / 200-449-3-50.1, 200-475-1-12.4 & 200-475-2-1.2 / change of zone to develop a 90 unit Planned Retirement Community on 16.3 acres including the transfer of density from a parcel not in the Central Pine Barrens*

Summary: Ms. Hargrave discussed that the project site contains approximately 16.3 acres of property situated on the north and south side of Middle Country Road. The parcel on the north side of Middle County Road is outside the Central Pine Barrens region. The proposal is a non-contiguous cluster development involving land outside and inside the Central Pine Barrens. The applicant proposes to rezone all or a portion of the southern parcel. The Compatible Growth Area is designed to accommodate a portion of the development potential from the core through the redemption of Pine Barrens Credits. It is not the practice and is strongly discouraged to transfer density from a parcel outside of the Central Pine Barrens to the parcel in the Central Pine Barrens within the CGA. The applicant is encouraged to retire Pine Barrens credits as opposed to transferring density from land outside of the Central Pine Barrens to within the Compatible Growth Area.

The motion was made by Ms. Scherer and seconded by Mr. Romaine to send the letter to the developer regarding the Vineyards at Selden change of zone including the transfer of density from a parcel not in the Pine Barrens. The motion was approved by 5:0 vote.

4. Public Hearing at 3:00 pm – Adjournment requested to June 21, 2023

- a. NY Cancer & Blood Specialists Core Preservation Area Hardship Waiver Application (Ascend Realty Partners, LLC) / One Research Road, Ridge, w/s William Floyd Parkway / 200-459-1-1.4 / parking lot expansion for a medical facility on 5 acres in the L Industrial 1 zoning district, former site of American Physical Society / decision deadline 7/19/23*

5. Public Comment

Summary: No public comments were received.

6. Closed Advisory Session (if necessary)

The motion was made by Mr. Romaine and seconded by Mr. Dale to close the public portion of the meeting and to move into an advisory session for the purpose of discussing enforcement matters and obtaining legal advice from Commission counsel and then the Commission would not return to public session. The motion was approved by a 5:0 vote.

Meeting was adjourned at approximately 3:25 pm

Attachments (in order of discussion)

1. Draft Commission meeting summary for April 19, 2023
2. Final Commission meeting summary for April 19, 2023
3. Education and Outreach division update dated May 2023
4. Science and Stewardship division update dated May 17, 2023
5. Compliance and Enforcement division update dated January and February 2023
6. Land Use division update dated May 17, 2023
7. Credit Program update dated May 17, 2023
8. Draft letter to NYS Department of Environmental Conservation SEQRA Lead Agency Coordination for 4 Old Country Road dated May 17, 2023, Email from Kevin Kispert to Ms. Scherer and Ms. Hargrave Lead Agency Coordination Request dated April 12, 2023, NYS DEC Part 360 Permit Application, Engineering Report and Facility Manual dated March 2023
9. Final letter to NYS Department of Environmental Conservation SEQRA Lead Agency Coordination for 4 Old Country Road dated May 17, 2023
10. Draft letter to Southampton SEQRA Lead Agency Coordination for Riverside Sewer District dated May 17, 2023, Letter and documents from Ms. Schermeyer to Ms. Jakobsen dated April 2, 2023, Southampton Town Board Letter Resolution 2023-630 dated April 25, 2023, Full Environmental Assessment Form dated January 3, 2023
11. Final letter to Southampton SEQRA Lead Agency Coordination for Riverside Sewer District dated May 17, 2023
12. Letter and attachments from Brown, Altman & Dileo, LLP to the Central Pine Barrens Commission regarding the 7-Eleven Shirley Change of Zone dated stamped May 9, 2023
13. Draft letter to Town of Brookhaven for Vineyards at Selden Revised Plans Submission dated May 17, 2023, Town of Brookhaven letter and revised plan from Ms. Moody dated April 27, 2023
14. Final letter to Town of Brookhaven for Vineyards at Selden Revised Plans Submission dated May 17, 2023