



Central Pine Barrens Commission Meeting Agenda
Wednesday, March 15, 2023 (Approved 4/19/23)
Brookhaven Town Hall
One Independence Hill
Farmingville, NY

2:00 pm

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

Others present: Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Mr. Carbone, Ms. Hargrave, Ms. Parrott, Ms. Weigand Mr. Tverdy, Mr. Steiger, Ms. Kern, Ms. Mencil, Mr. Woffinden, Mr. Bagan, Mr. Bagozzi and Ms. Brown-Walton.

Mr. Panico 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: Mr. Turner expressed his strong support, endorsement and excitement about the proposal to begin steps forward in thinking about some type of primary Pine Barrens Interpretive Center.

b. *Minutes for 2/15/23 review*

*Summary: **The motion was made by Mr. Shea and seconded by Mr. Stafford to approve the February 15, 2023 minutes. The motion was approved by the five members present.***

c. *Pine Barrens Interpretive Center*

Summary: Ms. Jakobsen discussed the Central Pine Barrens Commission staff would like to investigate the feasibility of designing and building a Central Pine Barrens Interpretive Center to showcase to visitors and residents all the resources the region has to offer. The goal would be to create a facility that establishes a sense of place for the Central Pine Barrens for local residents as well as tourists by allowing them to immerse themselves in the diverse, natural, cultural, recreational and historic resources the region has to offer. It is envisioned this would be accomplished through for creation of interactive exhibits and educational programming as well as with outdoor garden featuring the ecology of the Central Pine Barrens. There was a consensus by the Commission for the Pine Barrens staff to proceed.

d. *Draft resolution to approve the agreement between the Commission and SCWA for 2024 to 2029*

*Summary: **The motion was made by Mr. Shea and seconded by Mr. Stafford to approve the agreement between the Commission and SCWA for 2024 to 2029. 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 science and stewardship division report.

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- b. *Science and Stewardship Division: update*
Summary: Ms. Weigand discussed highlights and updates on the Science and Stewardship division's activities covered in the distributed science and stewardship division report. Ms. Weigand wished Ms. Cohn the best on her new career in agriculture. She expressed how valuable Mr. Panko has been and wished him well on his retirement at the end of the month. Mr. Weigand introduced the seasonal Prescribed Fire Crew Mr. Woffinden, Mr. Bagozzi, Mr. Bagan, Ms. Kern and Ms. Mencil. Ms. Weigand invited the Commissioners and Designated Representatives out to a prescribe fire. Mr. Shea inquired about the Northern Long-eared Bat and if it is present in a tree when the tree is cut if the animal directly harmed. Ms. Weigand stated she would follow-up on that question.
- c. *Draft resolution to purchase 2 UAS-DJI Mavic3T (thermal capability drones)*
Summary: Mr. Carbone discussed how the drones will be used for encroachments, different types of property access issues, to help to focus on the ground activities for rapid response, the drones will be used for documenting active work that's occurring on restorations, the drones will have an accountable applications for early detection in Southern Pine Beetles, can also be used to size up invasive species infestations, and used for the prescribed fire program to find hot spots. Mr. Carbone discussed the number of drone pilots and the plan to increase that number.

The motion was made by Mr. Shea and seconded by Mr. Freleng to approve the purchase of 2 UAS-DJI Mavic3T drones. The motion was approved by 5:0 vote.

- d. *Draft resolutions to purchase ATVs with violation fund monies:*
 - i. *Town of Riverhead Police*
 - ii. *New York State Police*
 - iii. *Suffolk County Sheriff*

Summary: The motion was made by Mr. Freleng and seconded by Stafford to authorize the purchase of ATVs with the violation fund monies for the Town of Riverhead Police Department, New York State Police Department and the Suffolk County Sheriff's Department. The motion was approved by 5:0 vote.

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

- a. *Compliance and Enforcement Division: update*
Summary: Mr. Carbone introduced Mr. Steiger, the new Enforcement Officer. 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 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.
- c. *Credit Program: update*
Summary: Mr. Tverdy discussed highlights and updates on the Credit Program's activities covered in the previously distributed credit program report. Mr. Shea asked if it was possible for someone to donate Pine Barrens credits to an agency for a tax benefit thereby extinguishing those credits. Mr. Milazzo responded municipalities can retire credits and there is a procedure for retiring credits, after that whether they get a tax donation or credit would be up to their accountant or tax advisor.
- d. *Draft resolution Central Pine Barrens Commission to Purchase Pine Barrens Credits*
Summary: Mr. Tverdy discussed the Pine Barrens Clearinghouse board authorized the Commission staff to prepare a letter on its behalf concerning the option to purchase Pine Barrens Credits through a reverse auction. Mr. Tverdy discussed the intent of the Clearinghouse is to increase PBCs redemptions by creating an inventory of credits that is available to individuals with shovel-ready development projects. The Clearinghouse will spend up to \$1 million dollars to purchase Pine Barrens Credits within the Town of

Brookhaven. There are parameters that the Clearinghouse considers important and request the Commission staff to consider including the suggested parameters in the auction.

The motion was made by Mr. Freleng and seconded by Mr. Stafford to approve the draft resolution for the Central Pine Barrens Commission authorization to purchase Pine Barrens Credits. The motion was approved by 5:0 vote.

- e. Draft resolution to accept the Supplemental Final Generic Environmental Impact Statement for the Comprehensive Land Use Plan Amendments as Complete. Final Notice of Completion

Summary: The motion was made by Mr. Shea and seconded by Mr. Freleng to authorize the adoption of the Supplemental Final Generic Environmental Impact Statement and to vote on the Plan Amendments at the April 19, 2023 meeting. The motion was approved by 5:0 vote.

- f. 7 Eleven Middle Island (R.N. Middle Island et al) / Route 25, Middle Island / 200-378-2-37.2, 200-403-1-2.1, 2.3 / authorization to add 7 Eleven Inc. to Notice of Violation and authorize Executive Director to finalize Order on Consent

Summary: The motion was made by Mr. Shea and seconded by Mr. Stafford the authorization to add 7 Eleven Inc. to the Notice of Violation and authorize the Executive Director to finalize Order on Consent. The motion was approved by 5:0 vote.

Core Preservation Area

- g. NY Cancer & Blood Specialists Core Preservation Area Hardship Waiver Application / w/s William Floyd Parkway, 1 Research Road, Ridge / 200-459-1-1.4 / parking lot expansion for medical facility on 5 acres, former site of American Physical Society / decision deadline 4/19/23 / decision

Summary: Mr. Milazzo asked the Brookhaven Designated Representative if he would like to recuse himself from this discussion. Mr. Panico responded he would like to put on record that the council member he serves with is an employee of the NY Cancer & Blood Specialist and if counsel believed he should recuse myself, he would like to discuss it further. Mr. Panico stated that Supervisor Romaine did not recuse himself and he would like to proceed on behalf of the Brookhaven Town Supervisor.

Ms. Hargrave discussed the resolution decision for the project is a denial based on the information in the application and testimony provided. Mr. Panico discussed after reviewing all the documents and visiting the site, he wanted to understand how the building was allowed to be expanded in 2010. The expansion was 19,000 square feet and it called for the diminishment of parking. It was explained that the prior applicant demonstrated a hardship for the building expansion and as part of that application restored area that was previously a loop driveway. The applicant's testimony shows the property is used five days a week and sometimes on Saturdays. Every inch of pavement is needed. This draft decision to deny is consistent with decisions on other applications including 7 Eleven. It is a very high standard to meet in the Core. Mr. Shea indicated that Supervisor Schneiderman contacted him during the meeting expressing the same concerns as Mr. Panico. Discussions continued and Mr. Milazzo suggested that this topic be tabled and discussed in the executive session to receive legal advice.

No action was taken on the draft resolution to deny the project.

- h. Request for determination of jurisdiction / 425 North Street, Manorville / 200-410-1-11 / construct new barns for blueberry storage and to house 8 horses, reconstruct existing barns and outbuildings, and 1,000 square foot addition to existing residence on the 13 acre property of a residence with blueberry farm and natural area/ draft response

Summary: Ms. Hargrave discussed this is a request for a new buyer who would like to have some structures for private use for horses and other storage for equipment in addition to the dwelling. The draft letter explains that the changes are for private use of the resident, therefore the determination is non development.

The motion was made by Mr. Freleng and seconded by Mr. Stafford to send the draft letter of determination. The motion was approved by 5:0 vote.

Compatible Growth Area

- i. Venezia Square Development of Regional Significance Application / Route 25A, Wading River / 600-73-1-1.4, 1.16, 1.17, 1.18, 1.19 / development of 37,000 square feet of buildings for commercial uses on 6.34 acres / schedule public hearing
Summary: The motion was made by Mr. Shea and seconded by Mr. Freleng to schedule a hearing for April 19, 2023 at 3:00 pm. The motion was approved by 5:0 vote

 - j. Referrals / draft responses
 - i. Brookhaven Planning Board: September Morning LLC / Shirley / 200-554-3-4.43 / development of a 78,4,00 square foot warehouse on 6 acres in the Brookhaven Industrial Park
Summary: The motion was made by Mr. Freleng and seconded by Mr. Calarco to send the draft referral letter to the Town of Brookhaven. The motion was approved by 5:0 vote.

 - ii. Southampton ZBA single-family dwelling / Riverside / 900-139-2-36
Summary: The motion was made by Mr. Shea and seconded by Mr. Stafford to send the draft referral letter to the Town of Southampton. The motion was approved by 5:0 vote.

 - iii. Southampton ZBA single-family dwelling / Riverside / 900-139-2-56
Summary: The motion was made by Mr. Shea and seconded by Mr. Stafford to send the draft referral letter to the Town of Southampton. The motion was approved by 5:0 vote.
4. **Public Comment**
Summary: No public comments were received.
5. **Closed Advisory Session** (if necessary)
The motion was made by Mr. Stafford and seconded by Mr. Freleng 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 the Commission would not return to public session. The motion was approved by a 5:0 vote.

Meeting was adjourned at approximately 4:00 pm

Attachments (in order of discussion)

1. Draft Commission meeting summary for 2/15/23
2. Final Commission meeting summary for 2/15/23
3. Central Pine Barrens Interpretive Center Memo dated March 15, 2023 from Judy Jakobsen, Executive Director, to the Commission
4. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission to authorize a New Agreement with the Suffolk County Water Authority for the term of April 1, 2023 to March 31, 2028 to provide services to the Commission dated March 15, 2023, Draft Agreement between Central Pine Barrens Joint Planning and Policy Commission and the Suffolk County Water Authority and final resolution dated March 15, 2023
5. Education and Outreach division update dated March 2023
6. Science and Stewardship division update dated March 23, 2023
7. Draft resolution for Commission to authorize purchase of two UAS-DJI Mavic 3T Thermal Imaging Drones dated March 15, 2023 and final resolution dated March 15, 2023
8. Draft resolution for the Commission to authorize the purchase of one All-Terrain Vehicle by the Law Enforcement Council for the Riverhead Town Police dated March 15, 2023 and Final resolution dated March 15, 2023
9. Draft resolution for the Commission to authorize the purchase of one All-Terrain Vehicle by the Law Enforcement Council for the New York State Police dated March 15, 2023 and Final resolution dated March 15, 2023
10. Draft resolution for the Commission to authorize the purchase of one All-Terrain Vehicle by the Law Enforcement Council for the Suffolk County Sheriff's Office dated March 15, 2023 and Final resolution dated March 15, 2023
11. Compliance and Enforcement Division update dated January – February 2023
12. Land Use Division update dated March 15, 2023
13. Credit Program update dated March 15, 2023
14. Draft resolution Central Pine Barrens Commission authorization to purchase Pine Barrens Credits dated March 15, 2023 and Final resolution dated March 15, 2023
15. Draft resolution to accept the Supplemental Final Generic Environmental Impact Statement for the Comprehensive Land Use Plan Amendments as complete, file notice of completion dated March 15, 2023 and Final resolution dated March 15, 2023
16. Draft Notice of Violation to R.N. Middle Island, LLC, Rocky Point Road., LLC and 7 Eleven, Inc. dated March 15, 2023 and Final Notice of Violation dated March 15, 2023
17. Draft response letter for NY Cancer and Blood Specialists Core Preservation Area Hardship Waiver Application dated March 15, 2023
18. Draft response letter request for determination of jurisdiction 425 North Street, Manorville dated March 15, 2023 and Final response letter dated March 15, 2023, Letter and attachments from Kelly Redican dated March 2, 2023
19. Venezia Square Development of Regional Significance Application dated February 7, 2023
20. Draft referral letter and map to the Town of Brookhaven regarding September Morning LLC site plan application Ramsay Road, Shirley dated March 15, 2023; Memo and attachments from Town of Brookhaven dated August 26, 2022; Final referral letter dated March 15, 2023
21. Draft referral letter and map to the Town of Southampton regarding the Town of Southampton Housing Authority ZBA Application #2300009 at 100 Vail Avenue, Riverside dated March 15, 2023; Letter and attachments from the Town of Southampton dated February 14, 2023; Final referral letter dated March 15, 2023
22. Draft referral letter and map to the Town of Southampton regarding the Town of Southampton Housing Authority ZBA Application #2300010 at 93 Vail Avenue, Riverside dated March 15, 2023; Final referral letter dated March 15, 2023