



**CENTRAL
PINE
BARRENS**
JOINT
PLANNING
&
POLICY
COMMISSION

Central Pine Barrens Commission Meeting Summary
Wednesday, January 18, 2023 (Approved 2/15/23)
Riverhead Town Hall
200 Howell Avenue, Riverhead, NY 11901
2:00 pm

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

Others present: Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Mr. Carbone, Mr. Enright, Ms. Hargrave, Mr. Tverdyy and Ms. Weigand.

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

Robert Calarco
Chair

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 12/21/22 review*

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the December 21, 2022 meeting minutes. The motion was approved by the five members present.**

c. *Central Pine Barrens Commission Annual Report for 2021 and 2022*

Summary: Ms. Jakobsen distributed the 2021-2022 Annual Report and explained that unlike other years this report covers two years. The report was redesigned in its content and layout to highlight primary achievements, key accomplishments, to make it more appealing and show beautiful images of the region. Ms. Jakobsen explained that the Annual Report will be distributed to the New York State and Suffolk County Legislatures.

2. Education and Science and Stewardship

a. *Education and Outreach Division: update*

Summary: Ms. Parrott was not present but the Education and Outreach division's activities were covered in the previously distributed education and outreach division report.

b. *Science and Stewardship Division: 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. Mr. Shea commented on the importance of studying the Atlantic White Cedar population in Massapequa's Tackapausha Nature Preserve.

c. *Draft resolution to approve purchase of a RECONYX HyperFire 2 Cellular License Plate Camera for LEC member - NYSDEC Forest Rangers using Commission Violation Account Funds*

Summary: **A motion was made by Mr. Romaine and seconded by Mr. Shea to approve the draft resolution to purchase the camera equipment specified in the resolution. The motion was approved by 5:0 vote.**

d. *Draft resolution to approve the purchase of insurance coverage for the Commission's Type 6 Fire Truck*

Summary: **A motion was made by Mr. Romaine and seconded by Mr. Freleng to approve the draft resolution to purchase insurance for the fire truck. The motion was approved by 5:0 vote.**

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

a. *Compliance and Enforcement Division: 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. Mr. Romaine inquired about the legal authority to pursue violations and Mr. Carbone explained coordination with the Towns and Sheriff's office and resolving violations through orders on consent.

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. Tverdyy discussed highlights and updates on the Credit Program's activities covered in the previously distributed credit program report.

Core Preservation Area

d. *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 office of American Physical Society / decision deadline 4/17/23 / schedule public hearing*

*Summary: **The motion was made by Mr. Romaine and seconded by Mr. Aguiar to schedule the public hearing for February 15, 2023 at 3:00 pm and extend the decision deadline to April 17, 2023. The motion was approved by 5:0 vote.***

e. *Brookhaven Zoning Board of Zoning Appeals Referral: Oscar Garcia / 30 West North Street, Manorville / 200-507-2-3 / application to legalize 16 structures and uses on a 6.32-acre residential property / draft response*

*Summary: **The motion was made by Mr. Romaine and seconded by Mr. Freleng to authorize sending the letter on this referral. The motion was approved by 5:0 vote.***

f. *Holy Trinity Lutheran Church / Middle Island / 200-456-2-4.1 and 5 / authorize Order on Consent and withdraw core hardship application*

Summary: Ms. Jakobsen explained that Respondent signed the Consent Order and the Executive Director is seeking authorization to execute the Consent Order on behalf of the Commission and to have the pending Core hardship application withdrawn.

The motion was made by Romaine and seconded by Mr. Freleng to authorize the Executive Director to execute the Consent Order. The motion was approved by 5:0 vote.

The motion was made by Mr. Romaine and seconded by Mr. Shea to accept the withdrawal of the Core hardship application. The motion was approved by 5:0 vote.

Compatible Growth Area

g. *Expressway Drive North CGA-DRS and hardship application / west of Sills Road, Yaphank / 200-662-2-5.16 / build out landbanked parking / draft response*

Summary: A draft letter was presented in response to the applicant's request to build out landbanked parking. Mr. Romaine discussed that the Commission cannot stop the applicant from building out the landbanked parking but expressed that it will take at least 12 months to construct the buildings and there is no tenant secured that supports a demonstration of need to buildout landbanked parking at this time. Mr. Calarco inquired if there was a reason to put on the record as to the change from the initial approval indicating there would not be a clearing in that area. Ms. Hargrave referred to the letter in the e-packet dated December 30, 2022. Mr. Shea inquired if the applicant had town approvals. It was explained that the project received a preliminary affirmative decision from the Town this morning. The discussions continued and Mr. Milazzo requested discussion of the matter in closed session. The item was tabled. When the Commission resumed the regular meeting, no action was taken to authorize sending the letter since the activity was already covered in the decision.

- h. *Venezia Square Development of Regional Significance Request for Determination / NYS Route 25A, Wading River / 600-73-1-1.4, 16.16, 1.17, 1.18 and 1.19 / development of 40,855 square foot commercial center on 6.3 acres / draft response*
Summary: The draft letter was presented for authorization by the Commission. Mr. Chic Voorhis, Nelson & Pope, requested to address the Commission. Mr. Voorhis discussed the DRS definitions and the traffic study for the project and stated the professional opinion of the applicant's consultants that the project is not a DRS. Mr. Voorhis distributed a letter from Steven Schneider, P.E., dated January 18, 2023. Mr. Milazzo confirmed the project achieves the DRS threshold. Mr. Shea reiterated that the project exceeds the DRS thresholds.

The motion was made by Mr. Shea and seconded by Mr. Romaine to authorize sending the draft response to this referral. The motion was approved by 5:0 vote.

- i. *Brookhaven Town Board Referral: Vineyards at Selden / Middle Country Road, Selden / 200-475-2-1.2, 200-475-1-12.4, 200-449-3-5.1 / change of zone and development of a 90-unit residential complex on 12.43 acres / draft response*
Summary: The motion was made by Mr. Romaine and seconded by Mr. Shea to authorize sending the draft response to this referral. The motion was approved by 5:0 vote.
- j. *Brookhaven Planning Board Referral: Public Storage at Coram revised site plan / 200-475-2-1.4 and 9.11 / change of zone and development of a three-story, 62,937 square foot storage facility on 6.5 acres / draft response*
Summary: The motion was made by Mr. Romaine and seconded by Ms. Aguiar to authorize sending the draft response to this referral. The motion was approved by 5:0 vote.
- k. *59 Ryerson Avenue Subdivision CGA Hardship Waiver Application / Ryerson/Darcy Avenues, 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 3/15/23 / request to withdraw application*
Summary: The motion was made by Mr. Romaine and seconded by Mr. Shea to accept the withdrawal of the 59 Ryerson CGA Hardship Waiver application. The motion was approved by 5:0 vote.

4. **Public Hearing at 3:00 pm – CANCELED – Application withdrawn**

- a. *59 Ryerson Avenue Subdivision CGA Hardship Waiver / Ryerson Ave/Darcy Avenue, Manorville / 200-461-4-31 and 32*

5. **Public Comment**

Summary: Ms. Yuliya Viola, Certilman Balin, attorney for the applicant of Expressway Drive North CGA Development of Regional Significance and hardship waiver, addressed the Commission and stated this morning the Brookhaven Town staff issued recommendations for a conditional approval on the landbanked parking. Ms. Viola confirmed the 5.1 acres of landbanked parking is included in the clearing limit, not in the conservation easement open space; it does not exceed the clearing limit and it was previously approved in the Commission's decision. Ms. Viola discussed that if a demonstration of need is necessary it is the uncertainty of regulations to protect the Northern Long-eared Bat (NLEB) that concerns the applicant. The applicant does not want to lose the opportunity to develop landbanked parking as approved. No tenant has been identified and nothing is signed but the applicant seeks to avoid potentially being restricted months or years later by potential changes in restrictions related to the NLEB.

Public Session of the Meeting Adjourned at 3:00 pm

6. **Closed 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 discussing enforcement matters and obtaining legal advice from Commission counsel and then the Commission would return to public session. The motion was approved by a 5:0 vote.

The motion was made by Mr. Romaine and seconded by Mr. Freleng to return to the regular meeting. The motion was approved by a 5:0 vote.

Mr. Romaine expressed that a letter on the landbanked parking request for Expressway Drive North will not be authorized or sent since the Commission decision of November 16, 2022 allowed the activity consistent with the conditions approval.

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to Adjourn the meeting. The motion was approved by a 5:0 vote.

Meeting was adjourned at approximately 3:30 pm

Attachments (in order of discussion)

1. Draft Commission meeting summary for 12/21/22
2. Final Commission meeting summary for 12/21/22
3. Central Pine Barrens Commission Annual Report dated 2021/2022
4. Education and Outreach division update dated January 2023
5. Science and Stewardship division update dated January 18, 2023
6. Draft resolution for the Commission to Authorize the Purchase of One RECONYX Camera for Law Enforcement Council Member NYSDEC Forest Rangers dated 01/18/23
7. Final resolution for the Commission to Authorize the Purchase of One RECONYX Camera for Law Enforcement Council Member NYSDEC Forest Rangers dated 01/18/23
8. Draft Resolution for the Central Pine Barrens Joint Planning and Policy Commission to Approve the Purchase of Insurance Coverage for the Commission's Type 6 Fire Truck dated 01/18/23
9. Final Resolution for the Central Pine Barrens Joint Planning and Policy Commission to Approve the Purchase of Insurance Coverage for the Commission's Type 6 Fire Truck dated 01/18/23
10. Compliance and Enforcement division update dated October to December 2022
11. Land Use division update dated 01/18/23
12. Credit Program update dated 01/18/23
13. NY Cancer and Blood Specialists Parking Lot Expansion Core Preservation Area Hardship waiver application dated 12/14/22
14. Brookhaven Zoning Board of Appeals referral for Oscar Garcia letter dated 12/21/22, draft response to Brookhaven Zoning Board of Appeals for Oscar Garcia referral dated 01/18/23 and final response for Oscar Garcia referral dated 01/18/23.
15. Holy Trinity Lutheran Church Consent Order signed by Respondent dated 01/10/23; Holy Trinity Lutheran Church Consent Order signed by the Executive Director dated 1/16/23
16. Expressway Drive North landbanked parking request letter and material from Yuliya Viola, attorney for the applicant, dated 12/30/22
17. Venezia Square Wading River letter from Chic Voorhis, Nelson & Pope dated 01/10/23, Venezia Square River letter and attachments from Steve Schneider, Engineering, PLLC dated January 9, 2023; draft response dated 01/18/23 and final letter dated 01/18/23
18. Town of Brookhaven referral letter and material for Vineyards at Selden dated 12/21/22, draft response letter to Brookhaven Planning Division dated 01/18/23 and final letter dated 01/18/23
19. Town of Brookhaven letter and referral material for Public Storage at Coram dated 01/03/23, draft response letter to the Town of Brookhaven dated 01/18/23 and final letter dated 01/18/23
20. Raymond and Bridget Camillieri letter to request to withdraw 59 Ryerson CGA hardship application dated 01/09/23