



**Central Pine Barrens Commission Meeting Summary**  
**Wednesday, October 18, 2023 (Approved November 15, 2023)**  
**Southampton Town Hall**  
**116 Hampton Road**  
**Southampton, NY 11968**  
**2:00 pm**

**Commission members present:** Mr. Robert Calarco (New York State Governor's Representative), Ms. DiBrita and Ms. Pines (for Brookhaven), Ms. Hurley (for Riverhead), Mr. Schneiderman, Ms. Scherer and Mr. Shea (for Southampton) and Mr. Dale (for the Suffolk County Executive).

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

Mr. Schneiderman 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 9/20/23 review*

Summary: **The motion was made by Mr. Dale and seconded by Ms. DiBrita to adopt the September 20, 2023 meeting minutes. The motion was approved by 5:0 vote.**

c. *Draft resolution to ratify renewal of Commission's public officials management & employment practices liability insurance, umbrella policy and payment of premium*

Summary: Ms. Jakobsen discussed the actual insurance policy expired on October 9, 2023, which required the Executive Director to bind the insurance prior to coming to the Commission for approval.

**The motion was made by Mr. Schneiderman and seconded by Mr. Dale to approve the draft resolution to ratify the renewal of the Commission's public officials management & employment practices liability insurance, umbrella policy and give the Executive Director authorization to execute and documents and pay the premiums for the policy on behalf of the Commission. The motion was approved by 5:0 vote.**

**2. Education and Science and Stewardship**

a. *Draft resolution to approve the purchase of additional liability insurance for the Type 6 engine*

Summary: Ms. Jakobsen discussed there is a correction on the draft resolution. The insurance is for \$4,000,000 in excess liability insurance coverage, which will cost approximately \$8,429 for the cost of adding the additional liability coverage. The cost of the additional liability coverage has been budgeted.

**The motion was made by Mr. Schneiderman and seconded by Mr. Dale to approve the amended draft resolution to purchase additional liability insurance for the Type 6 engine. The motion was approved by 5:0 vote.**

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

**Core Preservation Area**

a. *Brookhaven Planning Board referral: Clancy Street Food Corp. / CR 111, Manorville / 200-462-2-5.1 / development of 3,293 square foot restaurant on 1.17 acres in the J2 Business zoning district*

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Westhampton Beach, NY  
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*Summary: Ms. Hargrave discussed the proposal is to build a restaurant on the project site of 1.167 acres of undeveloped and naturally vegetated parcel. It was approved for a hardship waiver in 1995, the project has changed and the draft letter states that a new application must be submitted for that reason.*

**The motion was made by Ms. DiBrita and seconded by Mr. Schneiderman to approve to send the draft response letter to the Brookhaven Planning Board regarding the Clancy Street Food Corp. The motion was approved by 5:0 vote.**

- b. *CVE North America Solar at Westhampton Property Assoc. Core Preservation Area Hardship Waiver Application / east of Speonk Riverhead Road, Speonk / 900-276-3-1 and 2 / development of 25 acre solar facility on a 91 acre sand mine in the CR 200 zoning district / decision deadline 12/9/23 / Commission staff report addendum, reopen period of time to supplement record*

*Summary: Mr. Milazzo discussed at the last meeting there was a public hearing on this application. It is a two-fold request, the first is to open and modify a conservation easement on an active sand mine and the second is a hardship to allow the installation of solar panels on the finished sand mine. Requesting the Commission's permission to reopen the record portion of the hearing to supplement the Commission's record with a document that was shared. It is a narrative that the staff has looked at the Commission's practice of opening conservation easement to allow a use that has not been contemplated. In staff's review, one property was found on which an easement was recorded and opened twice. If approved a copy of the addendum will be provided to the applicant so it can be addressed to the applicant's satisfaction. The matter can be addressed at the next meeting for a decision, SEQRA review or coordination.*

*Mr. Schneiderman asked if the easement was granted by the property owner to the Pine Barrens Commission. Mr. Milazzo responded that the easement that was opened twice, it was granted by the Nassau County Boy Scouts and the grantee in both cases is the Commission. In the Boy Scout instance, the Commission received the easement in exchange for pine barrens credits. In the Westhampton matter the applicant received a hardship. They offered the easement in exchange as part of their application.*

**The motion was made by Mr. Dale and seconded by Mr. Schneiderman to give permission to reopen the public record portion of the CVE North America Solar hearing to allow the addendum to be introduced and to allow the record to be opened for two weeks to allow the applicant to supplement as appropriate. The motion was approved by 5:0 vote.**

- c. *Gosselin Property Core Preservation Area Hardship Waiver Application / 49 Old Westhampton Road, Riverside / 900-164-4-11 and 12 / development of a single-family dwelling on 1.7 acres in the R-15 zoning district and removal of 7 existing structures.*

*Summary: For the record, Mr. Shea recused himself for the review of this application. Mr. Milazzo stated that as part of Mr. Shea's functions at the town, he may have to see this application for all appearances he asked to recuse himself and leave the room. Ms. Hargrave discussed that this is to schedule a public hearing. The application was submitted requesting an interpretation of the Plan and the law on whether this activity constitute development. Mr. Milazzo stated for the record if the application constitute development, then there will be a hearing. Mr. Schneiderman requested similar decisions to be provided to the Commission.*

**The motion was made by Mr. Schneiderman and seconded by Mr. Dale to approve scheduling a public hearing for November 15, 2023. The motion was approved by 5:0 vote.**

#### **Pine Barrens Credit Program**

- d. *Antonia Marsh / proposal to construct barns on 1.5 acres in the A1 Residence zoning district on property restricted by a conservation easement / 58 Sally Lane, Ridge / 200-352-1-19.1*

*Summary: Mr. Tverdy discussed the proposal to build barns on the subject property restricted by a conservation easement. Two scenarios were provided with the construction of the buildings. The grantor received 0.42 Pine Barrens Credits in exchange for the conservation easement.*

***The motion was made by Ms. DiBrita and seconded by Ms. Hurley to approve to send the draft response letter for the proposal. The motion was approved by 5:0 vote.***

**Compatible Growth Area**

- e. *Brookhaven ZBA referral: Gary Walsh / Eastport Manor Road, 978.51 feet west of CR 51, Eastport / 200-593-2-3.2 / three lot substandard subdivision of 4.67 acres in the A2 Residence zoning district*

***Summary: The motion was made by Ms. Di Brita and seconded by Mr. Schneiderman approve to send the draft referral letter regarding the Gary Walsh subdivision. The motion was approved by 5:0 vote.***

- f. *Southampton Town SEQRA Coordination: Sunrise of Speonk / 1313 Speonk Riverhead Road, Speonk / 900-301-2-15 / development of 3,000 square foot special trade contractor building on 1.8 acres in the LI 40 zoning district*

***Summary: The motion was made by Mr. Schneiderman and seconded by Mr. Dale approve to send the draft response letter regarding the Sunrise of Speonk referral. The motion was approved by 5:0 vote.***

**4. Public Hearing at 3:00 pm**

- a. *Taco Bell-Mangogna Core Preservation Area Hardship Waiver Application / 451 County Road 111 at Chapman Boulevard, Manorville / 200-462-2-12.2 / development of a 2,624 square foot drive through restaurant where a 7,200 square foot restaurant (Michaelangelo's) is present on 1.6 acres in the J2 Business zoning district / hearing held on 7/19/23 and adjourned / decision deadline 11/15/23*

*Summary: A stenographic transcript was prepared for the hearing.*

- b. *LIPA/PSEG-LI Medford Operations Center Compatible Growth Area Hardship Waiver Application / 3351 NYS Route 112 (currently Country Fair amusements), Medford / 200-574-2-3.1, 16 and 17.1 / development of an operations center on 24.26 acres in the J2 Business and A1 Residence zoning districts / decision deadline 11/9/23*

*Summary: A stenographic transcript was prepared for the hearing.*

**5. Public Comment**

*Summary: No public comments were received.*

**6. Closed Advisory Session**

***The motion was made by Mr. Schneiderman and seconded by Ms. Hurley 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 September 20, 2023
2. Final Commission meeting summary for September 20, 2023
3. Draft resolution for renewal of the Commission's public officials management & employment practices liability insurance and payment of premium dated October 18, 2023
4. Final resolution for renewal of the Commission's public officials management & employment practices liability insurance and payment of premium dated October 18, 2023
5. Draft resolution for the purchase of additional liability insurance for the Type 6 Fire Truck dated October 18, 2023
6. Final resolution for the purchase of additional liability insurance for the Type 6 Fire Truck dated October 18, 2023
7. Draft referral response letter to the Town of Brookhaven regarding Clancy Street Food Court dated October 18, 2023; Memo and revised submission from the Town of Brookhaven dated September 29, 2023
8. Final referral response letter to the Town of Brookhaven regarding Clancy Street Food Court dated October 18, 2023
9. Draft letter to NYSDEC and Southampton Town Planning Board regarding and hardship waiver application for CVE North America Solar at Westhampton Property Associates dated October 18, 2023; Addendum to the Draft Staff Report dated October 18, 2023
10. Final letter to NYSDEC and Southampton Town Planning Board regarding and hardship waiver application for CVE North America Solar at Westhampton Property Associates dated October 18, 2023
11. Letter and request for determination and core preservation hardship application from Nelson Pope Voorhis regarding Gosselin Property dated October 6, 2023
12. Draft letter to Antonia and Thomas Marsh proposal for barns dated October 18, 2023; letter and attachments from Antonia & Thomas Marsh dated October 4, 2023
13. Draft referral letter to the Town of Brookhaven regarding Gary Walsh three lot substandard subdivision dated October 18, 2023; Letter and maps from Town of Brookhaven dated September 25, 2023.
14. Final referral letter to the Town of Brookhaven on Gary Walsh, three-lot substandard subdivision dated October 18, 2023
15. Draft response letter for SEQRA Lead Agency Coordination Sunrise of Speonk Site Plan dated October 18, 2023; Town of Southampton memo with attachments dated October 4, 2023
16. Final response letter for SEQRA Lead Agency Coordination Sunrise of Speonk Site Plan dated October 18, 2023
17. Email, letter and supplement to the Taco Bell application for hardship permit from J. Lee Snead dated October 5, 2023
18. Draft staff report and maps for LIPA Medford Operations Center Compatible Growth Area Hardship Application dated October 18, 2023
19. Revised agenda distributed at the meeting dated October 18, 2023