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2 C E N T R A L P I N E B A R R E N S

3 C O M M I S S I O N M E E T I N G

4 -----x

5 CVE US NY Southampton 243 LLC

6 -----x

7 April 17, 2024  
3:00 p.m.

8 116 Hampton Road  
9 Southampton, New York

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TRANSCRIPT OF PROCEEDINGS

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## A P P E A R A N C E S:

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4 ROBERT T. CALARCO, Governor's Representative

5 SARAH LANSDALE, Suffolk County Representative

6 TIMOTHY C. HUBBARD, Riverhead Supervisor

7 MICHELLE DI BRITA, Brookhaven Representative

8 JANICE SCHERER, Southampton Representative

9 MATTHEW CHARTERS, Riverhead Representative

10 MARIA Z. MOORE, Southampton Town Supervisor

11 JUDITH E. JAKOBSEN, Executive Director

12 JULIE HARGRAVE, Joint Planning and Policy Manager

13 JOHN C. MILAZZO, Commission Counsel

14 ANGELA BROWN-WALTON, Administrative Assistant

15

16 ALSO PRESENT:

17 Steven Engelmann

18 Charles Voorhis

19

20 PUBLIC SPEAKERS:

21 Nina Leonhardt

22 Daniel Sullivan

23

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MR. CALARCO: We're going to reopen  
and move into our public hearing portion of  
the meeting. Our first public hearing is the  
CVE US NY Westhampton 243 LLC at Westhampton  
property, Core Preservation Area Hardship  
Waiver Application.

7

Do I have to give the notice, Judy.

9

MS. JAKOBSEN: You can just say it's  
been provided to the stenographer and noted  
in the record.

12

MR. CALARCO: For the record, we have  
the notice of public hearing, it's been  
provided to the stenographer, and for the  
purposes, we have a full quorum of the  
members or their representatives here for  
today's public hearing.

18

MS. JAKOBSEN: If they can state  
their names.

20

MR. CALARCO: We're going to start  
over here. State your names. I guess,  
Janice, do you want to start.

23

MS. SCHERER: Janice Scherer, Town  
Planning and Development Administrator.

25

MS. DI BRITA: Michelle DiBrita,

2 Chief Deputy of Planning for the Town of  
3 Brookhaven, representing Supervisor Dan  
4 Panico.

5 MR. HUBBARD: Tim Hubbard,  
6 Supervisor, Town of Riverhead.

7 MR. CALARCO: Rob Calarco,  
8 representing Governor Hochul.

9 MS. MOORE: Maria Moore, Town  
10 Supervisor for Southampton.

11 MS. LANSDALE: Sarah Lansdale  
12 representing County Executive Ed Romaine.

13 MR. CHARTERS: Matt Charters, Senior  
14 Planning for the Town of Riverhead.

15 MS. JAKOBSEN: Judy Jakobsen,  
16 Executive Director, Central Pine Barrens  
17 Commission.

18 MR. CALARCO: John Milazzo, counsel,  
19 is not in the room at the moment but should  
20 be here momentarily.

21 With that, I think we can get  
22 started. Ms. Hargrave, if you want to kick  
23 it off and then we'll hear from the  
24 applicant.

25 MS. HARGRAVE: Thank you very much.

2 Good afternoon. So, everyone should have the  
3 staff report that was distributed and posted  
4 on the website. The applicant has it as  
5 well. I'm just going to go through the  
6 history of the site, the current application,  
7 and the prior hardship of the presence of the  
8 conservation easement. I'm just going to  
9 read the main parts of the staff report, and  
10 then the applicant is here to represent  
11 themselves as well.

12 So again, this is the CVE US NY  
13 Southampton 243 LLC Hardship Waiver  
14 Application and the proposed modification of  
15 the conservation easement. The owner of the  
16 site is Westhampton Property Associates,  
17 Giuseppe Giaquinto. His representative is  
18 Charles Voorhis of Nelson Pope and Voorhis  
19 and Steven Engelmann are the representatives,  
20 and David is the attorney.

21 This application was received last  
22 August and there was a public hearing  
23 September 20th. There were extensions and  
24 the supplemental material received on  
25 March 7th of this year, 2024, and April 4th

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2 as well. The commission commenced a SEQRA  
3 coordination on March 20th and scheduled this  
4 public hearing.

The site is east of Speonk Riverhead Road in the Town of Southampton, south of Sunrise Highway in the Core Preservation Area. The project site is 50 acres to lease, or to be leased by CVE of the 91 acre sand mine located on 115 acres owned by Westhampton Property Associates. It's two parcels, and it's in the Country Residence 200 -- CR200 five acre residential zoning district.

2 discusses support by Southampton Town and New  
3 York State regarding renewable energy goals  
4 as it relates to climate change. It states  
5 that the uniqueness of the property supports  
6 the fact that there are no better  
7 alternatives in the town or county for this  
8 opportunity. It continues that this is an  
9 adaptive reuse of a disturbed site and it  
10 meets some of the requirements of a hardship  
11 and the environmental benefits are unique.

12 The applicant proposes to convey a  
13 conservation easement on the remaining 24  
14 acres of the project site currently not  
15 protected by the easement previously granted  
16 to the commission. At the the end of the  
17 project, the entire 115 acres would be  
18 protected by the easement.

19 The applicant also proposes to  
20 shorten the life of the mine by five years by  
21 terminating mining activity in 2039 instead  
22 of 2044 as currently proposed. The  
23 application does not indicate whether this  
24 represents a reduction in the amount of  
25 material excavated from the site or an

2 acceleration of the approved mining activity.

3 The project proposes 11,154 solar  
4 modules, each 15 feet apart, 10 feet high,  
5 with dimensions at 75 feet each with energy  
6 of 480 watts. There is also an approximately  
7 1,000 square foot storage -- battery storage  
8 area and it accesses is the private road from  
9 Speonk Riverhead Road.

10 Site history, the site was a sand  
11 mine. It was permitted in 1981 by New York  
12 State DEC. The current owner purchased the  
13 mine in 2006. In 2012 the owner applied for,  
14 and the Commission granted, a core hardship  
15 waiver to vertically extend the depth of the  
16 sand mine to an elevation of approximately 45  
17 feet above sea level to an elevation of  
18 approximately 26 feet above sea level. The  
19 waiver required a conservation easement to be  
20 recorded and committed the owner to habitat  
21 restoration once the mining is completed.

22 The easement permitted the owner or  
23 any of its successor from applying to the  
24 Commission for another hardship exemption for  
25 the project site. The application stated in

2012 the end result will be the permanent  
preservation through the conservation  
easement of 91 acres of the site, which will  
provide for improved continuous open space  
with other natural lands in the area. The  
schedule of the mine restoration plan, the  
owner committed to restore the mine to a  
pitch pine oak forest and successful field  
habitat. Thermal pools were also expected to  
form in low elevations of the site. The  
restoration plan is in eight phases and it is  
expected to be completed in 2047.

Just a brief review of the study area  
around the project site. The approximate 68  
acres of the project site is in the core  
preservation area and 47 acres in the  
compatible growth area. The properties  
around the site include an animal shelter and  
natural open space, public open space. There  
are also industrial land uses on Speonk  
Riverhead Road in the plan. Residential uses  
aren't present at the south end of Speonk  
Riverhead Road.

The study area zone is CR 200 with

2 the exception of site LI40 on Speonk  
3 Riverhead Road. Also, there is a residential  
4 one acre zone in that area.

5 I won't go through all the  
6 existing conditions. The project requires  
7 review and approval of other agencies,  
8 including the Town of Southampton and the DEC  
9 and might require a modification of mine  
10 permits that would be ending this project and  
11 change the mine reclamation plan, the core  
12 hardship modification of easement under  
13 New York State Article 49. Those are some of  
14 the requirements and approvals.

15 The hardship criteria include -- I'll  
16 briefly review these -- that the proposed  
17 development will serve an essential health  
18 or safety need of the municipality, or in the  
19 case of the application serving one or more  
20 of the municipalities of the public health  
21 and safety require the requested waiver, that  
22 the public benefits from the proposed use are  
23 of a character that override the importance  
24 of the protection of the core preservation  
25 area as established in this article, that the

2 proposed use is to serve existing needs of  
3 the residents and that no feasible  
4 alternatives exist outside of the core  
5 preservation area to meet the established  
6 public need and that no better alternatives  
7 exist within the county.

8 The proposed development constitutes  
9 an adaptive reuse of an historic resource.  
10 That's another one of the criteria.

11 The hardship criteria continues: An  
12 application for the core shall only be  
13 approved if it's determined the additional  
14 following standards are met:

15 The granting of the permit will not  
16 be materially detrimental or injurious to  
17 other property or improvements in the area.

18 The waive will not be inconsistent  
19 with the purposes, objectives or the general  
20 spirit and intent of the article, and

21 The waiver is a minimum relief  
22 necessary to relieve the hardship.

23 The application included the  
24 resolution for the Sunrise Wind compelling  
25 public need hardship waiver to support this

2 project

3 The compelling public waiver criteria  
4 were discussed in the March submission. It  
5 is not clear if and how the applicant would  
6 qualify for this type of waiver. Regardless,  
7 it is not clear that the project could  
8 demonstrate hardship since the compelling  
9 public need criteria are stricter and require  
10 that there is no other site in the county  
11 where the project could be developed. Since  
12 there are other sand mines available that are  
13 not restricted by conservation easements,  
14 this criterion cannot be met. The applicant  
15 has not indicated to whom the project will  
16 supply energy, although it is noted that  
17 energy, once delivered to the grid, is  
18 fungible.

19 The applicant states the project site  
20 is unique and no other sites exist in the  
21 county or town for the project. However, no  
22 substantive information or analysis was  
23 submitted to support this statement. The  
24 applicant did not the provide any  
25 documentation to support their conclusory

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statement that such alternatives analysis or description of applicant's efforts to locate another suitable site for the project.

Onto the easement modification.

The project is inconsistent with the easement the applicant granted to the Commission in 2012. The easement was designed to enable the creation of a pitch pine oak forest and successional field habitat protected in perpetuity. The project would delay or prevent development of such ecological resource.

Conservation easements accepted by the commission and the modification of the same are governed by Title 3 of Article 49 of the Environmental Conservation Law of the.

The Environmental Conservation Law provides: The legislature hereby finds and declares that in order to implement the state policy of conserving, preserving and protecting its environmental assets and natural and man-made resources, the preservation of open space, preservation, development and improvement of agricultural

land forest lands, the preservation of areas which are significant because of their scenic or natural beauty or wetland, shoreline, geological or ecological, including old growth forest, character and the preservation of areas which are significant because of their historical, archaeological, architectural or cultural amenities, is fundamental both to the maintenance, enhancement and improvement of recreational opportunities, tourism, community attractiveness, balanced economic growth and the quality of life in all areas of the state.

2 applicant must demonstrate that the project  
3 does not conflict with the statutory  
4 requirement that the easement protect a  
5 scenic, open, historical, archaeological,  
6 architectural or natural condition,  
7 character, significance or amenities of the  
8 real property in a manner consistent with the  
9 public policy and purpose.

10 The conservation easement may be  
11 modified pursuant to Article 49 as provided  
12 in the instrument creating the easement.

13 Paragraph 5 of the miscellaneous section of  
14 the Westhampton Mining Easement provides:

15 The commission and Westhampton  
16 property shall mutually have the right, in  
17 their sole discretion, to agree to amendments  
18 to this conservation easement which are not  
19 inconsistent with the basic purpose of this  
20 conservation easement, provided, however,  
21 that the commission shall have no right or  
22 power to agree to any amendments hereto that  
23 would result in this conservation easement  
24 failing to qualify as a valid conservation  
25 easement under Article 49 as the same may be

2 hereafter amended.

3                   Independently, the applicant needs to  
4 modify the easement to apply for the relief  
5 it seeks because Paragraph 5 of the  
6 miscellaneous section provides:

7                   Westhampton Property and Westhampton  
8 Property's lessees, representatives,  
9 successors or heirs and assigns shall not  
10 apply to the Commission or the Pine Barrens  
11 Credit Clearinghouse for a hardship, other  
12 permits or Pine Barrens Credits under the  
13 plan or under Article 57 pertaining to the  
14 property. Westhampton Property understands  
15 and intends to sever the right to develop  
16 the property. The applicant must demonstrate  
17 the proposed modification necessary to  
18 accommodate the project is consistent with  
19 the basic purpose of the easement, and, if  
20 modified, continues to protect the resource  
21 identified in Article 49. As a threshold  
22 matter, the applicant must receive permission  
23 to modify the easement simply to make this  
24 request.

25                   As noted, the Commission has modified

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an easement in the past on the Boy Scout Camp that was once after the dining hall was rebuilt after a fire one square foot larger, and other to increase the size of an existing cabin while reducing the size of a cabin that the Scouts can build in the future.

The consistency of the application with the 2012 core hardship waiver.

The applicant must address the

apparent inconsistency with several conditions of the 2012 waiver, including conditions 5, 7, 8a and 8b. These prohibited a change in land use and stated development activity was subject to a discretionary decision by the Commission. Additionally, the easement was intended to protect the project site from future development once mining activity ceased under the current proposal. Proposing to undertake development activity directly contradicts three conditions of the 2012 waiver. By undertaking development activity, the project site does not fulfill its protection as natural open space, an essential purpose of

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the conservation easement.

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This goes on to explain the hardship criteria, which is that the use was expanded in the past to extend the beneficial use of sand mining activity from 2012 to 2044. The project continues -- seeks to continue to extract mineral resources from the site and develop a second land use of a solar facility for the financial benefit of the applicant.

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As part of the 2012 application, the applicant demonstrated that if it did not receive the waiver it would suffer financial damages because it had executed long term supply contracts.

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The hardship criteria requires the

hardship to not arise from the personal

situation of the applicant rather than the

characteristics of the property. The project

is a private facility by a private entity and does not arise out of the characteristics of the property.

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There are some comments and questions

at the end, basically looking for more

information on how the project demonstrates

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hardship, if they have provided an updated site plan with the 50 acre build-out. The location relative to the core NCGA boundaries, because it does pass through the site and it needs to be clear on what part of the project is in the core and what is in the CPA. How many acres is left to be mined, how much is left to be restored, how much is to be extracted? What is the decommissioning plan and the current status of restoration?

17 For your reference, the exhibits  
18 include a location map; photographs of the  
19 site; the sand mine plan and the reclamation  
20 plan, which shows that more than 30 acres of  
21 pitch pine forest, meadow, vernal ponds and  
22 other habitats; the site plan for the solar  
23 project; the Westhampton Property Associates  
24 decision; Conservations easement recorded on  
25 the property; the study area map; and the

2 applicant's hardship materials that was  
3 submitted in March and April; and again the  
4 Town of Southampton responses.

5 MR. CALARCO: Thank you. Any  
6 questions for Ms. Hargrave?

7 Seeing none, I'll call the applicant  
8 or their representative.

9 MR. ENGELMANN: Good afternoon  
10 Members of the Commission. My name is Steven  
11 Engelmann. I'm with CVE North America here to  
12 speak to you about the mining reclamation  
13 solar project. I'll try to be as brief as I  
14 can. There is a lot of detail.

15 Just a quick little background. CVE  
16 is an independent power producer that focuses  
17 on community solar in States where programs  
18 are actionable. Our North America Division  
19 is located here in New York. We have about  
20 58 megawatts of community solar projects in  
21 operation, and have another 57 megawatts in  
22 construction for 2024, and another over 200  
23 megawatts in various stages of  
24 pre-construction development.

25 There's information on the board

2 there, in terms of ISO certifications. We  
3 are a certified B Corp, which is a vigorous  
4 process to become ISO certified with 9001 and  
5 14,001 standards, as well as a certified B  
6 Corporation. There is a lot there, but  
7 just to give you an idea that we propose  
8 quality and when we are done the project is  
9 going to be -- the ISO certifications have to  
10 do with supply chain, employees and any kind  
11 of balancing profit against a company's  
12 purpose.

13 So-to-speak briefly, some of our  
14 projects you'll see in the State of New York,  
15 mostly in the upstate region, that's about 40  
16 megawatts of our installed capacity right  
17 now. They happen to reside in upstate  
18 New York for a particular reason, because  
19 there is a bit of a capacity at the utility.  
20 When you make these solar projects and  
21 produce power, you are sending them back to  
22 the grid in reverse direction; kind of  
23 against the flow of the power plant. So,  
24 there is the capacity to do that in some of  
25 the upstate utilities. It's been very

2 challenging in the downstate utilities. So,  
3 we're a little more active upstate than  
4 downstate, but we're always looking for  
5 projects, always looking for site that have  
6 that ability to get permission by the utility  
7 to even operate and provide clean power to  
8 the grid.

9 The State of Massachusetts another 40  
10 megawatts. We have an operation there. We  
11 have three or four projects that we cannot  
12 build and there are several hundred that are  
13 also in queue, because this State embraced  
14 the community solar program and there's three  
15 different utilities -- actually four  
16 different utilities in the State. All of  
17 those utilities have now dried up for being  
18 able to accept any more energy to be fed into  
19 their utility grid. There's just more  
20 power -- it really has to do with substation  
21 capacity, age of the equipment sort of thing.  
22 Essentially, Massachusetts was a very active  
23 solar market, and now it's been really very  
24 quiet for about two years with many projects  
25 unable to be built.

2 Only friendly solar. We support  
3 local environmental issues in the town where  
4 we work. We have done a number of great  
5 things I can explain more about. But here  
6 I'm going -- a couple of quick slides, in  
7 terms of what the Town of Southampton and  
8 New York State are doing in terms of  
9 planning. A lot of goals here to reduce  
10 carbon emissions in Southampton by 47 percent  
11 by 2040. Southampton has altered its code to  
12 enable solar development of large scale solar  
13 rays which offset costs and provide community  
14 distributed energy, which is what this  
15 project would do; it's a community solar  
16 project.

17 The cap program that Southampton has  
18 recommends evaluating rated and underutilized  
19 sites for repurposing to low carbon energy  
20 production which, again, is what we're  
21 proposing here.

22 New York State goals, the climate  
23 leadership and community protection law  
24 that's been in place a while, both New York  
25 State and DEC support these goals. It's a 70

2 percent increase in renewable energy by 2030.  
3 30 percent of all energy generated in the  
4 State will be renewable energy, and there  
5 will be 100 percent zero emissions  
6 electricity by 2040. Lofty goals, short  
7 period of time.

8 So far, of the 60 watt goal of  
9 community solar in all of New York State, two  
10 big watts have been built. That leaves a lot  
11 more room for megawatts to be built in a  
12 State where there is very limited capacity to  
13 be able to inject this power back into the  
14 utility grid.

15 So the DEC has also noted here, in  
16 terms of the goals there. I notice that the  
17 DEC has a specific office of climate change.  
18 They are promoting disadvantaged communities  
19 barriers and opportunities. We're  
20 recommending that the State find ways to  
21 design climate protection and clean energy  
22 programs through a lens of equality and  
23 social justice. That's what community solar  
24 is about. I'll explain a little bit about  
25 community solar in just a moment, so we



2 understood that when we provide this power  
3 back to the grid, this power will provide  
4 energy credits to local residents, government  
5 buildings, school buildings, so that they can  
6 save money on electricity cost. We can do  
7 this in a mine site where the value of the  
8 land is a little bit less than you might  
9 imagine at the bottom of the sand mine than  
10 other properties. We own the property. It's  
11 scarce on Long Island. Open space that can  
12 development is even more scarce. Anything  
13 that is available is very expensive and  
14 there's a lot of other uses that can be  
15 applied. We're able to do a community solar  
16 project on a site like this because of the  
17 value of the land is a little bit less  
18 because there's limited uses for that land.  
19 So, it's unique in that regard too.

20 We propose considerable savings on  
21 the LI community, low income communities.  
22 So, we try to identify homes that need help  
23 and we try to get people to subscribe to the  
24 program and save money on electricity bills.  
25 That would be offered to any government

2 buildings in Riverhead, Southampton,  
3 Brookhaven, County of Suffolk, and even the  
4 Suffolk County Water Authority to be able to  
5 utilize and democratize the benefits of solar  
6 energy on PSEG utility costs.

7 It will not only help the folks I  
8 mentioned there, it's going to create greater  
9 biodiversity and more favorable habitat for  
10 plants, insects and wildlife in the base of  
11 the mine by providing shade, by providing  
12 opportunity for vernal pools, and all of the  
13 vegetation that was proposed a number of  
14 years ago is still in this plan, and this  
15 project allows for all of the vegetation to  
16 happen just the way it was planned, and we  
17 even made it more robust.

18 So, I'm asking for the Commission to  
19 look at our hardship application and the case  
20 that we provided here, but also to look at  
21 the greater good here. This is not a project  
22 that just benefits the applicant, this is a  
23 project that is designed to provide community  
24 benefit and benefit to the government offices  
25 for everyone at the dais today. And the

2 plan, again, helps with biodiversity, and the  
3 shade of the solar panels creates a habitat  
4 for wildlife that wouldn't be there without a  
5 solar project. So, we're trying to consider  
6 all of those efforts.

7 So, the site is extremely unique and  
8 will provide clean energy. The  
9 interconnection that I talked about, the  
10 value of the land and the solar from  
11 Southampton. But also, the site has been  
12 cleared. It's a completely environmentally  
13 impacted site. It's been cleared of  
14 wildlife, it's been cleared of vegetation for  
15 many, many decades. This will be an  
16 opportunity to rebuild that site and reforest  
17 that site and be able to build clean energy,  
18 which is going to cut down more greenhouse  
19 gasses, 60 times more greenhouse gasses than  
20 trees can do alone. This project can reduce  
21 greenhouse gasses through the generation of  
22 clean energy and reforest the site, so that  
23 it can capture a lot of those greenhouse  
24 gasses.

25 So, I'm going to hand it off to

2 "Chick" Voorhis here who will follow up with  
3 some of the more environmental factors.  
4 Thank you so much for your time, I appreciate  
5 it.

6 MR. VOORHIS: Good afternoon.

7 "Chick" Voorhis of NPV representing the  
8 applicant on the application. Steve was  
9 talking very quickly, and we do want to get  
10 to the points. He has really covered a lot  
11 of ground and material, so I'll just be  
12 emphasizing a few things, perhaps introducing  
13 a couple of additional items, but I really  
14 just want to slow down for a second and say  
15 we're talking about solar in a sandpit.  
16 That's really what we're talking about here.  
17 I hope that there's a way that the laws and  
18 regulations that were adopted in 1993 and  
19 1995 can be adapted for this type of use; and  
20 that's really what we're saying.

21 Steve was talking about the greater  
22 good, the uniqueness of the site, the  
23 uniqueness of the use, the passive nature of  
24 it. So, let's not get in our way, when we're  
25 really trying to do something good for the

2 environment and we're trying to do something  
3 good for the residents of the Town of  
4 Southampton. We're meeting energy goals at  
5 local, regional and State levels and  
6 basically providing the benefit overall.

7 So, we'll go through very quickly.

8 You know the team. Mr. Gilmartin is here if  
9 you have any questions. Steven will stick  
10 around if there are any further questions.  
11 After our prior hearing, we submitted  
12 additional information. That consisted of  
13 additional hardship justification,  
14 consistency with Town, State and County  
15 initiatives. Environmental and community  
16 benefits, and land owner hardship additional  
17 information, much of which has been covered.

18 You know the site. It's 115 acres.  
19 It's between east of Speonk Riverhead Road,  
20 south of Sunrise Highway and North Country  
21 Road. The project has been characterized in  
22 the staff report and discussed, and many of  
23 these things Steven covered. It's isolated  
24 from view. It does allow CVE to tie into the  
25 grid. It's a sandpit. It's a passive and

2 temporary use of the site, and ultimately it  
3 will be decommissioned and the site will  
4 return to complete open space. But this plan  
5 does allow us to continue re-vegetation and  
6 restoration of site with native species to  
7 the benefit of the environment.

8 This was one of the questions in the  
9 staff report, but this looks at what would  
10 potentially be the overall project with the  
11 northern portion, which is not guaranteed  
12 because they have to evaluate -- CVE has to  
13 evaluate energy needs at some point in the  
14 future. That's why we have been emphasizing  
15 Phase 1. But we will answer that and address  
16 that question from the staff report.

17 This has been covered, it was talked  
18 about previously. As I said, the site is  
19 extremely unique for the reasons that have  
20 been outlined.

21 Similarly, the use. There's no  
22 sanitary waste, there's no traffic, there's  
23 no population. There's nothing taking place  
24 on the site except the passive installation  
25 of the solar panels. We believe, and this is

2 part of the relief that's requested, that we  
3 are at least consistent with the spirit and  
4 intent of the the conservation easement. Of  
5 course the easement will be fully observed  
6 after the decommissioning of this temporary  
7 use, but this allows us to re-vegetate the  
8 property, continue that re-vegetation, and  
9 basically establish a basis for open space on  
10 the property now, under this passive  
11 temporary use, and in the future.

12 This was already covered. This is  
13 essentially the re-vegetation plan showing  
14 some of the vernal pools. These you have  
15 seen or some of the commissioners that were  
16 here for the previous commission and the  
17 prior meeting had seen these images of solar  
18 installations that our firm worked on in  
19 various parts of Suffolk County where  
20 wildlife is thriving underneath and within  
21 the solar array. So, these are actual  
22 photographs from projects that we have been  
23 involved with, and this is what we are  
24 looking to achieve on this site.

25 As Steven said, and we emphasized in

2 our supplemental submission, the allowance  
3 for shading does enable vegetation to grow in  
4 a more healthy way and in a more rapid way  
5 than unshaded areas in the Pine Barrens. We  
6 have seen this through restorations where you  
7 may have vegetation that comes up next to  
8 certain trees that are -- that carry their  
9 leaves or needles all year round, those  
10 protect the vegetation. So, we feel this  
11 will help establish the re-vegetation on the  
12 property in a way that will benefit the  
13 environment and benefit the restoration plan.

14 So, this re-vegetation plan builds on  
15 the successful restoration to date. It  
16 achieves the goals of the restoration that  
17 was originally approved. It's consistent  
18 with the Pine Barrens Commission guidelines,  
19 and those take effect in July. It will  
20 provide habitat for pollinators, reptiles,  
21 birds and mammals, and establish a permanent  
22 habitat that will continue on the property.  
23 So, we believe it's consistent with the basic  
24 purpose of the conservation easement.

25 Your mission talks about partnerships

2 and stewardship initiatives for environmental  
3 protection and benefitting the Pine Barrens.  
4 We believe that this is consistent and in  
5 line with the basic charge of the Commission,  
6 based on that mission statement. We believe  
7 there is at least some precedent for energy  
8 related projects and their approvals that we  
9 feel are important to have as part of the  
0 record.

16 There's also the Long Island solar  
17 roadmap which is an effort by the Nature  
18 Conservancy and Defenders of Wildlife to look  
19 for low impact sites for solar arrays. We  
20 believe that we're very much in keeping with  
21 this and also very consistent with public  
22 opinion surveys regarding solar alternative  
23 energy.

2 length of the mining period from 2044 to  
3 2039, a period of five years. It will not --  
4 this is based on the staff report question.  
5 It won't change the amount of material that  
6 comes out, but it could and will speed up the  
7 removal of the material. It will also allow  
8 the re-vegetation efforts to take place five  
9 years earlier. So, we feel that's a  
10 significant offering that just further  
11 benefits the environment, as far as this  
12 application is concerned.

13 MS. MOORE: Chick, can you go back  
14 two slides? You said there's a roadmap.

15 MR. VOORHIS: Solar roadmap was this  
16 third one.

17 MS. MOORE: What is that roadmap, low  
18 impact site.

19 MR. VOORHIS: There is information on  
20 the web. It's an effort by the Nature  
21 Conservancy and Defenders of Wildlife have  
22 taken authorship of this. It's a roadmap  
23 that identifies low impact sites for  
24 commercial and utility scale solar arrays.  
25 Again, when you look at the criteria that

2                   they outlined, we are consistent with that.  
3                   They also seek to have local governments,  
4                   LIPA, PSEG on Long Island to help with  
5                   identifying and supporting low impact siting  
6                   of solar arrays. So again, this is very much  
7                   consistent with that. If I covered that too  
8                   quickly.

9                   MS. LANSDALE: Just to follow on that  
10                   question. Were specific sites identified in  
11                   that solar roadmap?

12                   MR. VOORHIS: I will look again. I  
13                   don't believe specific sites were identified.  
14                   We'll double check that.

15                   MS. LANSDALE: My follow up question  
16                   would be, was this site identified?

17                   MR. CALARCO: That was my memory that  
18                   the Commission identified sites and  
19                   identified enough sites to provide all the  
20                   solar.

21                   MS. LANSDALE: That was my memory  
22                   too.

23                   MR. CALARCO: I don't know if this  
24                   site is in that list or not, but that was my  
25                   memory from the presentation as I recall.

2 MR. VOORHIS: I will get the answer  
3 to that. I don't have it with me at this  
4 time. I don't think it was specifically  
5 identified, but I'll clarify that.

6 I covered the land owner commitment,  
7 also placing areas of the property that are  
8 not currently in a conservation easement.

9 So, this is the south wooded portion of the  
10 property, essentially. But that would be  
11 offered to be added to the conservation  
12 easement for permanent protection, and that  
13 aligns with other conservation easements in  
14 the area. So, that's additional since the  
15 last hearing.

16 Environmental benefits I think we  
17 covered this. I don't need to go through it  
18 in too much detail, but there are a couple of  
19 interesting facts that, essentially, both  
20 phases of the project would enable the  
21 powering of 2,200 homes, just based on the  
22 output of this solar array and would avoid  
23 over 13,000 tons of CO2 emissions and offset  
24 emissions of 2,680 passenger vehicles, just  
25 by implementing this project in total, and,

2 again, the other benefits that we mentioned.

3 Public and social benefits. Again,  
4 State and governmental energy goals, we feel  
5 that's very important and needs to be  
6 considered. It's not something that was  
7 really available or known about in detail in  
8 the 90's when these laws and regulations were  
9 adopted. There will be a prioritization of  
10 low to moderate income households and local  
11 small businesses. Energy credits will go to  
12 over 5,000 residents. Customers will save  
13 five to ten percent on monthly utility bills.  
14 CVE employs green initiatives and makes  
15 donations to local non-profit organizations.  
16 So, we do feel there is a compelling  
17 public need, based on all of this  
18 information.

19 I know there was some emphasis in the  
20 staff report about alternatives, but Steven  
21 covered that. His company has been looking  
22 for siting of facilities actively throughout  
23 the entire northeast, if not the nation and  
24 the world, as he showed in some of his  
25 slides.

2                   With the nature of the site as a  
3 sandpit and the connection to the energy grid  
4 that is facilitated by this site, it is a  
5 unique site. They did not identify other  
6 alternatives. I'm not sure how much addition  
7 information we can provide, but certainly the  
8 work that CVE did to identify this site is  
9 important. If there's any further  
10 information, we do plan to respond to the  
11 staff report.

12                   Again, there are rate increases  
13 proposed that this would help to offset.  
14 This does go into a little more detail on  
15 alternatives, but I believe I covered that,  
16 and Steven also talked about it. We will  
17 review the staff report and provide  
18 information.

19                   In summary, it's been a mine since  
20 1981. It's permitted through 2044, based on  
21 our land reclamation plan filed with the DEC.  
22 The adoption of the CLUP essentially created  
23 this as part of the core and compatible  
24 growth area in the 90's. It's a disturbed  
25 site and it has grid connection abilities.

12 So, there were a couple of questions.  
13 Again, we'll follow up with a written  
14 submission. We believe that the hardship is  
15 supported by the presentation materials  
16 provided. There's a typo up there, but the  
17 revised plan will depict the full project. I  
18 showed you an image of that. It will also  
19 indicate the boundaries.

Based on our assessment, phase 1, approximately 50 percent of that phase 1 area is within the core preservation area and the other half is in the compatible growth area. We do have the GIS coverage for those boundaries, and we'll make sure that they're

2 mapped on the updated plan. Phase 2 is  
3 entirely within the compatible growth area on  
4 the northern part of the property.

5 To date, 45 acres have been mind.  
6 And we'll have to get the quantity of  
7 extracted material, but again it's in  
8 conformance with the DEC mining plan. We  
9 filed reports, I believe it's yearly, with  
10 renewals as needed to reach the full life of  
11 the mine, based on the reclamation plan. 45  
12 acres re left to mine. Again, that quantity  
13 will have to be a follow up item.

14 We're committed to establish a  
15 conservation easement; that's the 24 acre  
16 area on the southern part of the site. Seven  
17 of the comments from the staff, the DEC, and  
18 the governor's office are supportive of mine  
19 to solar project reclamations. We understand  
20 there's a process for this and we understand  
21 there would be support at the State level  
22 based on these initiatives.

23 Some of this may be a repeat, but  
24 I'll go through it quickly. 45 acres is the  
25 area of mining that's completed. An

2 additional 45 acres in the process of being  
3 mined. Habitat restoration has been  
4 completed on 26 acres of the property. I'd  
5 be happy to arrange a field visit. It is a  
6 harsh environment, Pine Barrens. Soils that  
7 aren't nutrient rich; that's why the  
8 vegetation grows there. So, areas that were  
9 planted a longer number of years ago have  
10 come in more fully, and the more recent  
11 re-vegetation areas are taking shape. So,  
12 again, we can supplement it based on our  
13 revised plan to improve the re-vegetation.

14 It's sound as though the Town has  
15 responded for the Commission to be lead  
16 agency, based on lead agency coordination,  
17 and we will provide a decommission plan.

18 So, we have covered all of this. I  
19 really appreciate your attention and letting  
20 us get through some of that material. I will  
21 be here if there are any questions, as well  
22 as the team members.

23 MR. CALARCO: Thank you, Chick. Is  
24 there anybody else from the applicant who  
25 wants to present?

2

MR. VOORHIS: Mr. Gilmartin is here,  
3 if there are questions.

4

MR. CALARCO: Anybody on the Board  
5 have questions?

6

MR. HUBBARD: Part of the hardship is  
7 you having to show that there's no other  
8 location in the town or the county that you  
9 could put this project on.

10

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Do you feel you have demonstrated  
that to us?

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MR. ENGELMANN: So, we certainly can demonstrate that. I would make note that in order for the town, county or State to meet their energy goals. This is not a case of this site or that site, it's a case of this site and many other sites outside of the Pine Barrens that will need to be built for solar projects. So again, if there's four megawatts that can be built in the State and most of that is happening upstate, we need to find sites on Long Island that can be built to meet these goal.

We can certainly demonstrate in our response some of the work we have done to

2 look at alternative sites. In many cases,  
3 those sites are restricted by the utility,  
4 they are restricted by zoning in terms of  
5 neighbors having access and seeing it. This  
6 site is unique in the sense that it doesn't  
7 have an impact on neighbors and abutting  
8 residential or commercial neighbors, and it's  
9 got the ability to interconnect. And the  
10 value of the land has a certain value that  
11 allows this project to be developed. We can  
12 certainly demonstrate a number of other sites  
13 where solar is not able to be built, and  
14 certainly provide that in our response.

15 Does that answer the question?

16 MR. HUBBARD: It answers the question  
17 without an answer. It was supposed to be  
18 provided to us. This is your chance at the  
19 hearing to show us why this hardship should  
20 be granted, simply because there's no other  
21 available site to do this, I don't think you  
22 demonstrated that at all.

23 MR. ENGELMANN: I will say that the  
24 document that was received yesterday, the  
25 staff report midday yesterday. We got that

2 at 12:30 yesterday. So, we didn't have a  
3 whole lot of time to be able to put together  
4 a thorough response in a 24 hour window, but  
5 it is something we certainly can provide to  
6 you.

7 MR. HUBBARD: This is the second  
8 hearing you have been granted on the same  
9 property, correct?

10 MR. ENGELMANN: It is the second  
11 hearing, yes, sir.

12 MR. HUBBARD: Okay.

13 MR. CALARCO: Any other questions?

14 (No response was heard.)

15 MR. CALARCO: I have a couple of  
16 questions.

17 First in the reclamation plan that  
18 has been presented to us, it's clear that  
19 there are areas that are supposed to be  
20 planted with pitch pine trees, as I  
21 understand it, which is really the core of  
22 what the Pine Barrens are.

23 So, I don't believe that works with  
24 solar panels. Could you explain how that  
25 meshes for me?

2 MR. VOORHIS: Sure. So, Pine Barrens  
3 are many types of vegetation. Obviously,  
4 Pine Barrens would directly state that pine  
5 trees are part of that. But there's meadows,  
6 there's wetlands, there's oak forest, there's  
7 many types of natural areas. It is true that  
8 pitch pine trees would not be compatible with  
9 solar because they would shade the panels.  
10 We believe that the native restoration will  
11 more fully develop and establish ground cover  
12 to a greater extent with the shade of the  
13 panels. So, pitch pine trees would have to  
14 come at a later date, or they would come in  
15 naturally as a result of seed stock in the  
16 area, native genotype seed stock, as they  
17 have been on the side walls of the mine.

2 proposed in the current reclamation plan and  
3 the property owner would be relieved of that  
4 financial burden.

5 MR. VOORHIS: One of the things we  
6 can do, and the Giaquintos have been, really,  
7 I just want to say, advanced in cultivating  
8 pitch pine trees. They basically set up a  
9 nursery to retain pitch pine trees. So, we  
10 could harvest some of those trees and put  
11 them in stock for future re-vegetation or  
12 plant them on the side slopes of the mine so  
13 they have the ability to, again, bring in  
14 natural seed stock.

15 MR. CALARCO: Are you committing to  
16 implementing the plan as presented in the  
17 reclamation now in the future, once the solar  
18 panels are removed?

19 MR. VOORHIS: That's a good question.  
20 I'd like to follow up on that just to -- it's  
21 not part of the plan as we show it now. As I  
22 indicated, I expect that natural seed stock  
23 will help take over, especially through the  
24 control of invasives and other things. But I  
25 will ask our mutual land owners, as well as

2 CVe is that is something we could look at for  
3 the future.

4 The Giaquintos have been amazing to  
5 me in cultivating a lot of the natural  
6 materials. I mean, we all recognize that the  
7 southern pine needle is affecting areas of  
8 pitch pine trees, but that doesn't mean we  
9 don't have pine barrens in those areas. It's  
10 essentially a habitat community that will  
11 evolve based on some of these environmental  
12 specimens. This property we're helping along  
13 for natural restoration, and it would  
14 re-vegetate naturally in the future based on  
15 the species that are adapted. But I will  
16 specifically find out an answer to that, if  
17 we can implement pine tree plantings after  
18 solar.

19 MR. CALARCO: That would be great,  
20 because the other question I do have is, you  
21 say that the solar panels have a lifespan and  
22 the solar project then will be dismantled, I  
23 guess, at the end. How do we know that at  
24 that time you will not come back to the  
25 Commission for authority to install a few set

2 of panels for another 30 years? Obviously,  
3 the grid is going to need power, as we move  
4 towards more and more electrification of how  
5 we power things; vehicles and what have you,  
6 homes. We're going to need that power, we're  
7 going to need renewable sources. I  
8 understand that fully. That's certainly the  
9 goal the State is putting us on.

10 My question would be, are you saying  
11 in 30 years you won't need that power anymore  
12 that you are producing, or the grid will have  
13 to adjust as time goes on?

14 MR. ENGELMANN: A little more of the  
15 latter. We have a lease agreement and we  
16 have equipment lifespan that we would be  
17 working with, which will be in that 30 year  
18 bracket. So, our plan is to decommission and  
19 disassemble the system after 30 years. I  
20 guess we'll cross the road in terms of what  
21 the utility need is at that time, what the  
22 energy need is at that time. Our intention  
23 is to only use this site for a period of 30  
24 years that we have secured the site.

25 MR. VOORHIS: That sounds like a

2 commitment to not seek any further use bonds  
3 that what is requested.

4 MR. CALARCO: You said that the life  
5 of the mine is going to basically end five  
6 years earlier than anticipated, but it's not  
7 from a lack of or removing less material. Is  
8 this just a fact that their rate of removal  
9 now has them on pace to end in five years?  
10 In that case, I'm not sure how that is a  
11 benefit to the environment, to the ecosystem  
12 or to the Commission, in terms of a giveback  
13 to us, because they're still removing sand.  
14 They're not doing anything different, it's  
15 just they are removing it faster.

16 Obviously, they have a dept that they  
17 are permitted to go to. Whether they hit  
18 that depth tomorrow or in ten years is really  
19 irrelevant in terms of the impact of mining  
20 that would have.

21 MR. VOORHIS: Obviously, the removal  
22 of sand is market driven. If there's not an  
23 outlet for material, they can't sell it.  
24 They have looked and projected and believe  
25 that they can either accelerate or continue

2 what they are doing now and end five years  
3 earlier. So again, it is permitted up to  
4 2044; that was reflected in the prior  
5 approval. We're saying it will not go past  
6 2039, and that will allow us to fully  
7 re-vegetate the property at an earlier date.

8 Again, it's market driven. This is  
9 just an iron clad five years earlier than  
10 what was originally proposed and allowed  
11 under the permits.

12 MR. ENGELMANN: The existing schedule  
13 does see them removing sand for the full  
14 term. They would be adjusting their schedule  
15 to accommodate.

16 MR. CALARCO: So my last question,  
17 and "Chick" you know this program better than  
18 I do.

19 MR. VOORHIS: I wouldn't count on it.

20 MR. CALARCO: You certainly do. You  
21 know a hardship requires economic -- showing  
22 there is an economic burden on the property  
23 as well. You need to demonstrate to us that  
24 the property has no other value economic  
25 value. I don't believe you have addressed

2 that in any fashion to date. Certainly, this  
3 is really irrelevant on the solar company.

4 The property owner is a sand mine and they're  
5 extracting economic value from the property  
6 as we speak. So, I'm not sure how you hit  
7 that threshold or addressed that threshold.

8 MR. VOORHIS: I think we are looking  
9 to hopefully adapt some of the laws that were  
10 adopted in the 90's for current  
11 opportunities. We can look at that again, to  
12 the extent there is anything more we can do.

13 MR. CALARCO: I don't think this body  
14 has the authority to adapt the laws. The  
15 laws are the laws that are written. There's  
16 another entity you go to, if you want to  
17 change those laws. I need you to address  
18 that proviso, so that we can better  
19 understand. I'm not saying this is a bad  
20 project, I'm just trying to figure out how it  
21 fits into the statutes that we operate under.

22 MR. VOORHIS: We made our case in  
23 several submissions. As we go through the  
24 response, certainly Number 1 of the staff  
25 comments. If there is any further

2 information we can provide, we will.

3 MR. CALARCO: That's all my  
4 questions. Anybody else have any other  
5 questions?

6 (No response was heard.)

7 MR. CALARCO: Seeing none, I know  
8 mentioned that you want to get us addition  
9 information. As is usual, we try to leave  
10 the record open for a period of time so that  
11 folks can get -- I have few people public  
12 speakers. Is that is from the applicant?

13 MR. VOORHIS: Yes.

14 MR. CALARCO: I do have a public  
15 speaker signed up. I apologize. Nina  
16 Leonhardt.

17 MS. LEONHARDT: Nina Leonhardt, Lone  
18 Island Pine Barrens Society.

19 So, we do appreciate the staff report  
20 and the comments that the Town provided in  
21 the supplemental letter that staff received,  
22 and we do appreciate the questions that have  
23 come up here. We have a few comments to go  
24 along with all of that and none of them  
25 should be surprising. Some refer to the

2 conservation easement, so I'll start with  
3 that one.

4 It's interesting that the  
5 conservation easement was provided as part of  
6 the condition of the hardship waiver, when  
7 last this came before this body. And the  
8 owner at that time agreed that the easement  
9 prohibited the owner or any successor from  
10 applying to the Commission for another  
11 hardship exemption. So, that's where the  
12 easement and the hardship exemption come  
13 together.

14 The nature of an easement, of course,  
15 a conservation easement is also a question.  
16 As mentioned in the last comment -- thank  
17 you, chairman -- what's to stop this group,  
18 never mind CVE. CVE might remove the panel,  
19 but the property owner could get another  
20 solar entity or another business totally. We  
21 don't know what the state of electric  
22 generation will be in 30 years. It's  
23 probably not going to be the solar panels  
24 that CVE is installing today. What's to stop  
25 the property owner from asking for another

1 conservation easement to again do something  
2 with this sand mine property? And what's to  
3 stop the property owner from looking for some  
4 type of conservation easement on properties  
5 that they are now telling us will be  
6 protected with conservation easement? We  
7 don't have any evidence of that. In fact, we  
8 have just the opposite. We see a continuing  
9 pattern of going back for conservation  
10 easement hardship. So, that is something  
11 that concerns us.

13 The hardship, and thank you  
14 Supervisor Hubbard and Chairman Calarco for  
15 bringing up the hardship criteria. In fact,  
16 for those of you with long memories, you  
17 might recall that the society brought legal  
18 action to stop some of these actions way back  
19 in 2012. It was finally, the final decision  
20 was handed down at the state appellate court  
21 in 2016, and carefully noted that hardship  
22 could not be a result of a self-created  
23 situation. That's what this seems to be, a  
24 self-created situation, because the applicant  
25 promised certain things and is now saying no,

2 I want to go another way. They agreed -- the  
3 applicant agreed to those terms and is now  
4 looking for something else. That sounds  
5 self-created to me.

6 We do not object to solar. We agree  
7 that solar is a very important element of the  
8 governor's and the country's and the world's  
9 approach to energy at this time, and the  
10 community benefits and that whole program is  
11 absolutely wonderful. But again, this is  
12 piggybacking on Chairman Calarco's statement,  
13 you still have to follow the law. Thank you.

14 MR. CALARCO: Thank you Nina. Any  
15 questions?

16 Is there anybody else in the audience  
17 who would like to address us on this  
18 particular public hearing?

19 Please state your name.

20 MR. SULLIVAN: Daniel Sullivan.  
21 Westhampton Beach Village.

22 Just a few point on the solar  
23 roadmap. When it was put out, I looked at it  
24 because it's a lot of what I do. They didn't  
25 take into effect wetlands set by zoning

2 capacity. Capacity is major, right? That's  
3 the whole key to this. If everything else  
4 works, does the capacity provide? Can we  
5 utilize the grid? It wasn't taken into  
6 effect. Quite frankly, it would be extremely  
7 expensive, it would take a very long time and  
8 the grid is never changing. If it's going to  
9 be here today, it's going to be around  
10 tomorrow. When they did that, they had the  
11 best of intentions, but it's really very hard  
12 to apply, as a developer. I'll check into it  
13 and make sure that we provide when this site  
14 was put there. I was excited when they put  
15 it out, but they really didn't take in all of  
16 those factors. So, that's kind of what they  
17 are saying with this site, it does take in  
18 those factors, it does work. We know that.  
19 Guaranteed we have a spot in line for this to  
20 work.

21 For instance, the rooftop. On the  
22 solar roadmap they put out rooftops and said  
23 put it all over here. Again, no capacity.  
24 They didn't check that. And they didn't  
25 check the status of the roof; can it hold the

2 load, is the insurance there and all the rest  
3 of it.

4 So, it is quite complicated to find  
5 places to put these, because there are so  
6 many things that apply to it, but we have  
7 found one. I wanted to address that with the  
8 solar roadmap taken into effect.

9 MR. CALARCO: Thank you.

10 MS. SCHERER: I have one question to  
11 clarify. This was a mine before the Pine  
12 Barrens Act; is that true? It was  
13 pre-existing?

14 MR. CALARCO: This is pre-existing.

15 MS. SCHERER: They are mining to  
16 2044?

17 MR. CALARCO: Their initial mining  
18 permit authorized a certain depth, elevation,  
19 and they did receive a hardship to develop  
20 it.

21 MS. SCHERER: Thank you. I just  
22 wanted to get those facts.

23 MR. CALARCO: Anybody else? Seeing  
24 none, I guess what we'll do is entertain a  
25 motion to --

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April 17, 2024

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2 MR. MILAZZO: I think the Commission  
3 should consider closing the public portion of  
4 the hearing, allowing them two weeks. I  
5 think they wanted to provide additional  
6 information. We'll give them two weeks to  
7 provide information and we'll have a return  
8 date of the Friday after the Commission  
9 meeting. The Commission will post on the  
10 web, give people a chance to respond within a  
11 week, and then everything will be complete by  
12 the May meeting, and the decision deadline is  
13 June.

14 So, close public hearing, two weeks  
15 is the 24th, and then one week for anyone  
16 else to submit, so everyone has a chance to  
17 review materials.

18 MS. SCHERER: Is that enough time to  
19 get back that stuff.

20 MR. MILAZZO: Well, then we'll need  
21 an extension, because the deadline is the  
22 June meeting. If you return all of your  
23 information by May 1st. So, close the public  
24 hearing today. May 1st is the deadline for  
25 the applicant to supply any additional

2 information, and then anybody else that wants  
3 to supply information has to submit it by  
4 May 10th, Commission meeting is the following  
5 week. We'll have everything to review and  
6 then have a conversation, maybe we need an  
7 extension past the June meeting.

8 MS. SCHERER: Should you have the  
9 hearing open to review that stuff so then  
10 you're closed out again? Do you want to have  
11 it open so the members can review that  
12 testimony or no?

13 MR. MILAZZO: I have done it both  
14 ways.

15 MR. CALARCO: Are you suggesting we  
16 leave the public hearing open until the May  
17 meeting?

18 MS. SCHERER: Just so they can submit  
19 that information.

20 MS. MOORE: That's part of the  
21 record.

22 MR. MILAZZO: You would close the  
23 hearing portion and leave the record open.  
24 We have done that in the past. You could  
25 leave it open. What does the council do

2 here?

3 MS. SCHERER: We usually go either  
4 way. A lot of times we leave it open to get  
5 that testimony because somebody might want to  
6 have some dialog about it. So we have a  
7 chance to talk about it.

8 MR. CALARCO: I'm open to whatever  
9 the Board;s preference is.

10 MS. DI BRITA: I think it's smart to  
11 do it that way.

12 MR. CALARCO: Can I take that as a  
13 motion to recess the public hearing to the  
14 May 15th meeting?

15 MR. MILAZZO: With a request that any  
16 information the applicant wants to submit it  
17 submitted by May 1st, so that it can be put  
18 up on the web and people can have that, so  
19 they can make a presentation based on the  
20 information.

21 MR. CALARCO: So we can try to close  
22 this on the May 15th meeting and have a  
23 decision by June.

24 MR. MILAZZO: Yes. We may be asking  
25 for an extension at the May meeting. We'll

2

see where we are.

3

MR. CALARCO: Is that okay? Does  
that work for everyone?

5

MR. ENGELMANN: It's a tight  
timeline, but we'll take it.

7

MR. CALARCO: I have a motion to  
recess the public hearing to the May 15  
meeting at 2:30. I have a motion from  
Ms. DiBrita, seconded by Commissioner  
Lansdale.

12

All those in favor.

13

(WHEREUPON, there was a unanimous  
affirmative vote of the Board.)

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MR. CALARCO: Opposed?

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(No response was heard.)

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MR. CALARCO: The public hearing is  
recessed until May 15th at 2:30.

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April 17, 2024

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C E R T I F I C A T E

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5 I, BETHANNE MENNONNA, a Notary Public  
6 within and for the State of New York do  
7 hereby certify that the foregoing is a true  
8 and accurate transcript of the proceedings,  
9 as taken stenographically by myself to the  
10 best of my ability, at the time and place  
11 aforementioned.

12

13

IN WITNESS WHEREOF, I have hereunto

set my hand this 30th day of April, 2024.

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BETHANNE MENNONNA

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