

**Central Pine Barrens Commission Meeting Summary**  
**Wednesday, May 15, 2024 (Approved 6/26/24)**  
**Wertheim National Wildlife Refuge**  
**340 Smith Road, Shirley, NY 11967**  
**2:00 pm**



**Commission members present:** Mr. Robert Calarco (New York State Governor's Representative), Ms. DiBrita (for Brookhaven), Mr. Charters (for Riverhead), Ms. Moore, Ms. Scherer and Mr. Shea (for Southampton).

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

Ms. DiBrita led the pledge to the flag. Mr. Calarco noted four Commission members present, there is a quorum.

Robert T. Calarco  
Chairman

Timothy C. Hubbard  
Member

Maria Z. Moore  
Member

Daniel J. Panico  
Member

Edward P. Romaine  
Member

**1. Administrative and Public Comment**

**a. Public Comment**

*Summary: No public comments were received*

**b. Minutes for 4/17/24 review**

*Summary: **The motion was made by Mr. Charters and seconded by Ms. Moore to adopt the April 17, 2024 meeting minutes. The motion was approved by 4:0 vote.***

**c. Renewal of annual prescribed fire insurance**

*Summary: **The motion was made by Ms. Moore and seconded by Ms. DiBrita to approve the renewal of the prescribed fire insurance and allow the Executive Director to execute the documents to pay the invoice. The motion was approved by 4:0 vote.***

**d. Bond Schoenek & King PLLC representing the Commission on Delea Sod Farm litigation / payment of invoices**

*Summary: **The motion was made by Ms. DiBrita and seconded by Mr. Charters to approve payment of invoices for the Commission's legal representation by outside counsel. The motion was approved by 4:0 vote.***

**2. Education, Outreach, Communications and Science and Stewardship**

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

*Summary: Mr. Motz discussed highlights and updates on the Education and Outreach division's activities covered in the previously distributed education and outreach division report.*

**b. Science and Stewardship Division: update**

*Summary: Mr. Whittemore discussed highlights and updates on the Science and Stewardship division's activities covered in the previously distributed science and stewardship division report.*

**c. Southern Pine Beetle update on response to outbreak (NYSDEC Representatives)**

*Summary: Mr. Cole discussed and presented updates on the Southern Pine Beetle and Pine Barrens restoration activities. The Southern Pine Beetle showed up approximately 10 years ago. Currently the tactics are different the management has shifted to restoration of the Pine Barrens because that would make it more resilient in the long term to Southern Pine Beetle outbreaks. Ms. Moore asked about the tree material after it is cut down. Mr. Cole responded that the tree material becomes part of a prescribed fire pile burning. Ms. Moore asked about the restoration process and what would prevent the southern pine beetles from infesting the*

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restored trees. Mr. Cole responded the restoration process thins out the trees to spread the trees out in the forest which create a healthier forest.

- d. **New York Wildfire and Incident Management Academy: update**  
Summary: Ms. Drew discussed highlights and updates on the New York Wildfire and Incident Management Academy division's activities covered in the previously distributed NYWIMA division report

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

- a. **Compliance and Enforcement Division: update**  
Summary: Mr. Carbone was not present. the Compliance and Enforcement division's activities report were covered in the previously distributed compliance and enforcement division report.
- b. **Land Use Division: update**  
Summary: Ms. Hargrave discussed highlights and updates on the Plan 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 division report.

**Core Preservation Area and Compatible Growth Area**

- d. **Lewis Road Planned Residential Development Conservation Management Plan / Lewis Road, East Quogue / proposal for self-heal restoration on 5.06 acres and active restoration on 0.75 acres in Open Space Areas on the Project Site /**  
Summary: Ms. Hargrave discussed staff received the proposed Conservation Management Plan on April 30, 2024. The project provided for development of certain portions of a 608-acre site in Southampton and protection of other areas of the site. The CMP proposed two principal management techniques and staff added recommendations. Ms. Scherer requested that the draft letter be amended to indicate that the project is approved with staff's conditions.

**The motion was made by Ms. Moore and seconded by Ms. DiBrita to approve sending the amended draft letter for the Lewis Road PRD. The motion was approved by 4:0 vote.**

**Core Preservation Area**

- e. **4 Old Country Road LLC, 76 Summit Boulevard, Westhampton / sand mine remediation / 900-331-4-5, 10, 11; 900-332-3-26, 28.001, 28.002; 900-334-1-001.000 / Modification of NYSDEC Order on Consent and withdrawal of Part 360 Permit Application on 7 parcels containing 47 acres with an existing 40-foot-deep sand mine and remove 25,191 cubic yards of material in the CR 200 zoning district /**  
Summary: Ms. Hargrave discussed an information item of the withdrawal of part 360 permit application for 4 Old Country Road LLC and the modification of NYSDEC Order on Consent. Ms. Moore asked to clarify that the material does not include asphalt just concrete and brick. Mr. Hendricks confirmed that there would be no asphalt. The modification was made to further clarify the materials included and the materials would also be approved by the DEC before it is included. No action is required.
- f. **Clancy Street Food Court Core Hardship Waiver Application / s/e corner CR 111 and LIE, Manorville / 200-462-2-5.1 / development of 3,293 square foot restaurant on 1.16 acres in the J Business 2 zoning district /**  
Summary: **The motion was made by Mr. Charters and seconded by Ms. Moore to approve the extension of the decision deadline to 6/26/24. The motion was approved by 4:0 vote.**

- g. **Hirsch Residence Request for Determination of Jurisdiction: 135 Old River Road, Manorville / 600-146-2-8.2 / construction of a single-family residence on 1.1 acres with an existing foundation in the Natural Resource Protection zoning district /**  
*Summary: Ms. Hargrave discussed it was determined that the proposed activity to reconstruct a single-family residence on a foundation constructed prior to the Pine Barrens Protection Act of 1993 is deemed non-development activity and no other review is required.*

**The motion was made by Ms. DiBrita and seconded by Mr. Charters to approve sending the draft letter for the Hirsch residence. The motion was approved by 4:0 vote.**

**Compatible Growth Area**

- h. **Riverside Sewage Treatment Plant Compatible Growth Area Hardship Waiver Application / Southampton Enterprise Zone, Riverside / 900-141-1-9.14, 9.17, 9.25, 9.29, 9.30, 9.31 and 9.32 / development of a community sewage treatment plant in two phases with a maximum capacity of 800,000 gallons per day on 11.45 acres in the LI 40 zoning district /**  
*Summary: The motion was made by Ms. Moore and seconded by Ms. DiBrita to approve sending the draft letter for Riverside Sewage Treatment Plant. The motion was approved by 3:1 vote opposed by Mr. Charters.*
- i. **Venezia Square at Wading River CGA Development of Regional Significance / NYS Route 25A, Wading River / 600-73-1-1.004 and 1.16, 1.17, 1.18 and 1.19 / development of 37,000 square feet of commercial uses on 6.34 acres in the Business CR zoning district /**  
*Summary: The motion was made by Mr. Charters and seconded by Ms. DiBrita to approve the request for a three-month extension of decision deadline. The motion was approved by 4:0 vote.*

**4. Public Hearing at 2:30 pm – continuation of April 17 Public Hearing**

- a. **CVE US NY Westhampton 243 LLC at Westhampton Property Associates Core Hardship Waiver Application / east of Speonk-Riverhead Road, south of Sunrise Highway, Westhampton / 900-276-3-1 and 2 / development of a 50 acre solar facility, leased or to be leased by CVE, of a 91 acre sand mine located on 115 acres owned by Westhampton Property Associates and proposed amendment of a conservation easement in the Country Residence 200 zoning district / decision deadline 6/26/24**

*Summary:*

*A stenographic transcript was prepared for the hearing.*

**5. Public Comment**

*Summary: No public comments were received*

**6. Closed Advisory Session (if necessary)**

*The motion was made by Ms. DiBrita and seconded by Mr. Charters 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 4:0 vote.*

Meeting was adjourned at approximately 3:26 pm

Attachments (in order of discussion)

1. Draft Commission meeting summary for April 17, 2024
2. Final Commission meeting summary for April 17, 2024
3. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission Authorizing the Renewal of Prescribed Fire Insurance dated May 15, 2024
4. Final resolution of the Central Pine Barrens Joint Planning and Policy Commission Authorizing the Renewal of Prescribed Fire Insurance dated May 15, 2024
5. Invoices for litigation dated April 4, 2024
6. Education Outreach and Communication Division update dated May 2024
7. Science and Stewardship Division update dated May 5, 2024
8. New York Wildfire and Incident management Academy dated 2024
9. Compliance and Enforcement Division update dated January – February 2024
10. Land Use Division update dated May 15, 2024
11. Credit Program update dated May 15, 2024
12. Draft response letter regarding Lewis Road PRD, East Quogue Southampton Town Conservation Management Plan dated May 15, 2024; Lewis Road PRD Conservation Management Plan Supplement to Central Pine Barrens Joint Planning & Policy Commission Approval per Covenants Lewis Road PRD, East Quogue, NY dated April 30, 2024
13. Final response letter regarding Lewis Road PRD, East Quogue Southampton Town Conservation Management Plan dated May 15, 2024
14. Letter and attachments from Connell Foley regarding withdrawal of Part 360 Permit Application NYSDEC Application dated April 15, 2024
15. Letter and attachments from Nelson, Pope and Voorhis regarding Clancy Street Food Court, CPA Hardship Waiver decision extension dated April 22, 2024
16. Draft response letter for determination of jurisdiction for Hirsch residence at 135 Old River Road dated May 15, 2023; Letter and attachments from owner dated March 26, 2024
17. Final response letter for determination of jurisdiction for Hirsch residence at 135 Old River Road dated May 15, 2023
18. Draft findings statement and decision for Riverhead Sewage Treatment Plant dated May 15, 2024; SEQRA dated April 23, 2024
19. Final findings statement and decision for Riverhead Sewage Treatment Plant dated May 15, 2024
20. Letter from Nelson, Pope, Voorhis for Venezia Square-DRS decision extension dated April 19, 2024
21. CVE US NY Westhampton 243 LLC dated May 1, 2024