



October 6, 2021

Robert A. Porter III
P.O. Box 11
Moriches, NY 11955

FILE COPY

*Signed CO attached
& executed*

RE: The Ridge Full Gospel Christian Church, Inc.
SCTM # 200-351-3-3.5
Central Pine Barrens Core Preservation Area

Dear Pastor Porter:

The Central Pine Barrens Commission has authorized the preparation of the enclosed Order on Consent, which describes the alleged violations and prescribes specific remedies, which if implemented will help address and rectify this situation.

I have modified the language in provision #14 in the Order on Consent concerning your knowledge of the violation and removed provision #16 from the prior Order on Consent.

In addition, Mr. Huss mentioned to me that you inquired about whether you could remove the RCA from Lot 3.5 and place it on the church parking lot. Since the church parking lot is located on a parcel that has a conservation easement, you would need to submit this request in writing to the commission. Once we receive your written request, we will provide it to the commission for their consideration.

Please review and sign both copies of the Order on Consent on behalf of the Ridge Full Gospel Christian Church, Inc. and return them to the Commission office for signature and execution by the commission as soon as possible. A copy of the revised final Order on Consent that has been signed by both parties will be sent back to you.

If you have any questions, would like additional information, or would like to discuss this matter, please feel free to contact me (631) 563-0306 or via email at jjakobsen@pb.state.ny.us.

Sincerely,

Judy Jakobsen
Executive Director

Encl.

ecc: J. Hargrave, CPBJPPC Principal Environmental Planner
J. Tverdy, CPBJPPC Senior Environmental Analyst
T. Huss, CPBJPPC Chief Enforcement Officer
J. Milazzo, CPBJPPC Attorney

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
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CENTRAL PINE BARRENS JOINT
PLANNING AND POLICY COMMISSION

-----X
In the Matter of the Violations of Article 57 of the
Environmental Conservation Law of the State of
New York ("ECL")

ORDER ON CONSENT

No. CPBJPPC 4-2021

by

THE RIDGE FULL GOSPEL CHRISTIAN CHURCH, INC.

(Suffolk County) Respondents.
-----X

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

WHEREAS

1. The Central Pine Barrens Joint Planning and Policy Commission (hereinafter referred to as the "Commission"), with offices at 624 Old Riverhead Road, Westhampton Beach, New York, was created by the Long Island Pine Barrens Protection Act of 1993. The Act is codified in Article 57 of the Environmental Conservation Law.
2. The Act, inter alia, defined two areas in the Central Pine Barrens, the Core Preservation Area and the Compatible Growth Area and directed the Commission to develop and adopt a comprehensive land use plan and establish and implement a transferrable rights program to provide for the transfer of potential development from the core to areas outside the core. The Commission has jurisdiction over development, as that term is defined in the Act, of lands.
3. Development is defined in the Act to include "*the making of any material change in the use or intensity of use of any structure or land,*" "*a material increase in the intensity of use of land or environmental impacts as a result thereof...*" and "*commencement of mining, excavation or material alteration of grade or vegetation on a parcel of land...*" (ECL §57-0107)
4. In 1995, the Commission adopted its Comprehensive Land Plan (the "Plan"). The Plan establishes the Pine Barrens Credit (PBC) Program, the Commission's transferrable rights program. To obtain PBCs on an eligible parcel, an applicant must apply for a Letter of Interpretation to determine the number of PBCs an eligible parcel is entitled to receive and grant a conservation easement on the eligible parcel to the Commission.
5. Section 5.2 of the Plan provides: "*Allowable uses within the Core Preservation Area shall be limited to those operations or uses which do not constitute development, or hardship exemptions granted by this Commission pursuant to the Act.*"
6. Respondent, The Ridge Full Gospel Christian Church, Inc. (hereinafter referred to as "RFGC"), with offices at 8 Ruth Lane, Ridge, New York, owns three parcels of land located south of Middle Country Road on Ruth Lane, in the Hamlet of Ridge, Town of Brookhaven which are designated on three Suffolk County Tax Map by SCTM

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numbers 200-351-3-3.4, 3.5 and 3.6 which contain 8 acres in total (the "Property"). The Property is also identified on a survey dated August 5, 2014, prepared by Kenneth H. Beckman, L.S. The Property is located in the Core Preservation Area.

7. Parcel 3.4 contains 0.7 acres and is developed with a residence. Parcel 3.5 contains 4.9 acres and is undeveloped and naturally vegetated. Parcel 3.6 contains 2.4 acres and is developed with a church building and large parking area covered with RCA stone.
8. RFGC has received 1.0 Pine Barrens credit for Parcel 3.6. To obtain the PBCs, RFGC granted a conservation easement on Parcel 3.6 to the Commission.
9. On April 18, 2013, RFGC applied for Pine Barrens Credits for Parcel 3.5. During an April 24, 2013, inspection of Parcel 3.5, Commission determined that the parking lot of Parcel 3.6 had been extended into part of Parcel 3.5 that resulted in the clearing of approximately 0.25 acres of wooded area. RCA stone was placed in this area on Parcel 3.5 and three sheds, with one of the three sheds also partially on Parcel 3.6.
10. Clearing of the Property constitutes development as proscribed by the Act, absent Commission approval. RFGC did not obtain Commission approval to clear a portion of Parcel 3.5 and install three sheds and place gravel on the property. Each act individually violates the Act (collectively the "Violations").
11. On July 18, 2013, a Letter of Interpretation for the Property was issued in the amount of 3.92 Pine Barrens Credits with the proviso that the Commission would not accept a Conservation Easement on the Property until the Violations were resolved.
12. On May 10, 2014, Commission staff conducted a second inspection of the Property accompanied by members of the RFGC. The purpose was to discuss conditions to resolves the Violations.
13. On April 27, 2021, RFGCC applied for a Letter of Interpretation (LOI) Renewal for the Property. The LOI for 3.96 Pine Barrens Credits was issued with the proviso that the Commission would not accept a Conservation Easement on the Property until the Violations were resolved. On May 5, 2021, a letter was sent to RFGC requesting a field meeting. On June 22, Commission staff met with Robert Porter, Jr and Pastor Robert Porter III of RFGC to discuss the Violations.
14. During the meeting with Commission staff on June 22, 2021, Robert Porter, Jr noted that he was made aware of the existing Violations on the Property that occurred before his tenure at the church when he applied for the LOI on April 27, 2021 (see Item 13).
15. The Commission finds that the activities constituting the Violations constitutes development and has verified that these activities were neither authorized nor approved by the Commission, via the granting of a hardship waiver exemption. Therefore, the activities represent violations of Article 57 of the ECL and the Plan.

16. RFGCC desires to resolve the Violations through this Order on Consent rather than to engage in litigation on the issues. The Commission agrees to settle the within matter through this order on Consent with RFGC rather than to engage in litigation on the issues.

NOW, having considered this matter and being duly advised, IT IS ORDERED THAT:

- I. **Cease and Desist.** RFGCC shall immediately cease and desist any and all activities in violation of any provision of the Act, or the Plan on the Property except as authorized herein.

II. **Relief.**

- A. Within sixty days of the parties full execution of this Order on Consent RFGCC shall

1. Remove from the Property the three sheds. It is not permissible to move the sheds to the parcel identified as 200-351-3-3.6 (church parcel) that is encumbered by a conservation easement held by the Commission as this would be a violation of the terms of the conservation easement.
2. RFGCC shall remove from the Property the stone or RCA or both that were placed on Parcel 3.5 as shown on Exhibit A.
3. RFGCC shall place native pine barrens seed mix to the Commission's specification on the 0.25-acre disturbed area on Parcel 3.5 as designated on Exhibit A to return this area to natural pine barrens habitat.
4. RFGCC shall install 200 linear feet of split rail fence on the Property boundary to delineate the northerly edge of the parking lot and to protect the Property from future disturbance and encroachments as shown on Exhibit A.

B. **Certification Order Satisfied**

At the completion of the tasks described in II, paragraph A, RFGCC shall certify by letter with photographs to the Commission demonstrating that the conditions of this Order have been fulfilled and shall notify the Commission office to perform an inspection of the property. Upon review by the Commission and adoption of a resolution certifying that the tasks have been completed pursuant to this Order, the terms of this Order shall have been satisfied.

IV. **Failure, Default and Violation of Order.**

RFGCC's failure to comply fully and in timely fashion with any provision, term, or condition of this Order shall constitute a default and a failure to perform an obligation under this Order and under the ECL and shall be deemed to be a violation of both this Order and ECL Article 57 Section 57-0123(3)(a) Upon such failure to comply, the Commission may commence any other action deemed appropriate.

V. **Indemnification.**

RFGCC shall indemnify and hold harmless to the extent permitted by law the Commission and their representatives and employees for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by RFGCC and its successors (including successors in title) and assigns.

VI. **Binding Effect.** The provisions of this Order shall inure to the benefit of and be binding upon the Commission and RFGCC and its successors (including successors in title) and assigns.

VII. **Modification.** In those instances in which RFGCC desires that any of the provisions, terms or conditions of this Order be changed, it shall make written application, setting forth the grounds for the relief sought, to the Commission at 624 Old Riverhead Road, Westhampton Beach, NY 11978. No change or modification to this order shall be made or become effective except as set forth by a written order of the Commission

VIII. **Access and verification.** For the purpose of insuring compliance with this Order, and with applicable provisions of the ECL and regulations promulgated thereunder, representatives of the Commission shall be permitted access to the Property upon prior notice at reasonable hours and intervals to inspect and determine the status of the Property, as well as access to relevant records to inspect and/or perform such tests as may be deemed appropriate to determine the status of RFGCC's compliance. Notice shall not be required if the Commission has information to reasonable believe a violation is occurring that may cause substantial impairment of the resources of the Pine Barrens.

IX. **Force Majeure.** RFGCC shall not suffer any penalty under any of the provisions, terms and conditions hereof, or be subject to any proceedings or actions for any remedy or relief, if it cannot comply with any requirements of the provisions hereof, because of an Act of God, war, riot or other catastrophe as to which negligence or willful misconduct on the part of RFGCC was not a proximate cause, provided; however, that RFGCC shall immediately notify the Commission in writing when RFGCC obtains knowledge of any such condition and request an extension or modification of the provisions hereof.

X. **Entire Order.** The provisions of this Order constitute the complete and entire Order issued to RFGCC concerning resolution of the violations identified in this Order. No term, condition, understanding or agreement purporting to modify or vary any term hereof shall be binding unless made in writing and subscribed by the party to be bound, pursuant to paragraph VII of this Order. No informal oral or written advice, guidance, suggestion, or comment by the Commission regarding any report, proposal, plan, specification, schedule, comment, or statement made or submitted by RFGCC shall be construed as relieving RFGCC of its obligations to obtain such formal approvals as may be required by this Order.

RFGC represents it consulted with an attorney or has chosen not to consult with an attorney after being notified of their ability to do so concerning the terms of this Order. RFGC has not relied on any statement made by the Commission in determining whether to execute this Order and does so freely and under no duress.

The individuals executing this order of behalf of RFGC represent they have the capacity to bind RFGC and that the execution of this Order was taken in the order course of business of RFGC.

XI. Effective Date. The Effective Date of this Order shall be the date upon which it is signed by the individual authorized by the Commission to do so on behalf of the Commission.

Dated: January 10, 2021

Westhampton Beach, New York

CENTRAL PINE BARRENS JOINT PLANNING
AND POLICY COMMISSION

By: Judith Jakobsen

Name: Judith Jakobsen

Title: Executive Director

CONSENT BY RESPONDENT

Respondent, THE RIDGE FULL GOSPEL CHRISTIAN CHURCH, INC., acknowledges the authority and jurisdiction of the Central Pine Barrens Joint Planning and Policy Commission to issue the foregoing Order, waives public hearing or other proceedings in the matter, accepts the terms and conditions set forth in the Order and consents to the issuance thereof and agrees to be bound by the provisions, terms and conditions contained therein.

THE RIDGE FULL GOSPEL CHRISTIAN CHURCH, INC.

Respondent

By: Rob A Porter pres

Name: ROBERT A. PORTER

Title: PRESIDENT

Date: 1/5/2022

RESPONDENT ACKNOWLEDGMENT

STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

On the 5th day of JANUARY in the year 2022, before me personally came ROBERT A. PORTER, to me known, who, being duly sworn did depose and say that he resides at 5 VICTORIA LANE, MANORVILLE, NY 11949 that he is the PRESIDENT of the respondent described herein and which executed the above instrument; and that he signed his name thereto with full authority to do so.

Sworn to before me this

5th day of JANUARY, 2021

Larry Davis
Notary Public

LARRY DAVIS
NOTARY PUBLIC, STATE OF NEW YORK
NO. 5007614
QUALIFIED IN SUFFOLK COUNTY
COMMISSION EXPIRES FEBRUARY 1, 2023