



**Central Pine Barrens Commission Meeting Summary**  
**Wednesday, June 26, 2024 (Approved 8/21/24)**  
**Brookhaven Town Hall**  
**One Independence Hill, Farmingville, NY**  
**2:00 pm**

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

**Others present:** Commission and other agency staff members included Mr. Milazzo, Ms. Hargrave, Ms. Murphy, Mr. Motz, Mr. Carbone, Ms. Lawston and Ms. Brown-Walton.

Mr. Panico led the pledge to the flag. Mr. Calarco noted five Commission members present, there is a quorum.

Robert T. Calarco  
*Chair*

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:** Ms. Leonhardt discussed that the Pine Barrens Society love solar as an environmental group. It has to do with the way the CVE US NY Westhampton project has evolved, the Pine Barrens Society is looking for the Commission to disapprove the project. The project has received a hardship exemption in the past and has a conservation easement which they have yet to demonstrate why the easement should not be upheld and why the project should be granted another hardship waiver. The concern was when would the requests for other hardship waivers end. It is believed that this is not the right way to move forward and protect open space while delivering a solar project.

Mr. Voorhis, Agent for the project discussed most of the items have been covered on the record as part of the submissions as well as questions we believe have been answered. The project is basically solar in a sandpit that does have the interconnect that is necessary and has a significant public need and there was an extensive search for alternate sights.

**b. Minutes for 5/15/24 review**

**Summary: The motion was made by Mr. Hubbard and seconded by Ms. Juengst to adopt the May 15, 2024 meeting minutes. The motion was approved by 5:0 vote.**

**c. Draft resolution to authorize purchase of an all-terrain vehicle for the NYSDEC Environmental Conservation officers**

**Summary: The motion was made by Ms. Moore and seconded by Mr. Hubbard to approve the purchase of an all-terrain vehicle for the NYSDEC Environmental Conservation officers. The motion was approved by 5:0 vote.**

**d. Invoice payment for litigation Bond, Schoenek & King PLLC representing the Commission on Delea Sod Farm litigation**

**Summary: The motion was made by Mr. Panico and seconded by Ms. Juengst to approve payment for the invoices from Bond, Schoeneck & King PLLC. The motion was approved by 5:0 vote.**

**2. Education and Science and Stewardship**

**a. Accept a grant award for a Community Wildfire Protection Plan**

**Summary: The motion was made by Ms. Moore and seconded by Mr. Panico to accept a grant award for a Community Wildfire Protection Plan. The motion was approved by 5:0 vote.**

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

#### **Core Preservation Area and Compatible Growth Area**

- a. **Determination of Jurisdiction:** PSEG-LI utility pole replacements / Rocky Point, East Shoreham, Manorville, and other locations / replace 11 timber utility poles, 8 in the Core and 3 in the CGA, with timber poles, up to 10 feet taller and 10 inches wider  
**Summary: The motion was made by Mr. Panico and seconded by Ms. Juengst to approve sending the draft response to replace PSEG-LI utility poles. The motion was approved by 5:0 vote.**

#### **Core Preservation Area**

- b. **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: Ms. Hargrave discussed there was an approved hardship waiver in 1995 to build a larger restaurant on this sight it was never constructed. This will be a smaller restaurant with the same amount of clearing of 65% there are some conditions. Note there was a correction on the engineer that prepared the Plans, the plans were prepared by Lab Crew**  
**The motion was made by Mr. Panico and seconded by Mr. Hubbard to approve the revised decision resolution for Clancy Street Food Court. The motion was approved by 5:0 vote.**

- c. **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**  
**Summary: Ms. Hargrave discussed that this project requires Commission approval of a compelling public need waiver. A draft resolution is provided to approve this project. There are a few suggested conditions which have to do with receiving assurance from the applicant of the project's community benefits that are referred to in the application. The conditions include: Compliance with all requirements of the NYSERDA Community Distributed Generation (CDG) Program, together with any amendments thereto; Within 90 days upon a decision by the Commission, provision of the community engagement plan to secure Low Moderate Income subscribers to the CDG program to the Commission; Definition of LMI household applicable, with a preference from LMI households within the boundaries of the Pine Barrens area, and then Suffolk County; Confirmation upon reaching a subscription rate of 60% LMI within 2 years of full operations of the two-phased project and how the applicant/operator will maintain 60% subscription if households move or disengage from the CDG program; Annual audit of CDG subscribers' electric invoices showing net actual charges and the cost after applying the NYSERDA program discount commencing with the first year of operation of the first phase of the project and through the end date of the two-phase project. Mr. Milazzo provided some background on the suggested changes to the decision. The applicant has made the argument that they have not established an extraordinary hardship, but they have made the argument on a compelling public need for solar, alternative energy sources and a significant part of application is the low moderate income in the area, which will give the Commission some measurement to hold the applicant accountable or the applicant could be in jeopardy of having their permit withdrawn.**

*There were some discussions on who would be responsible for monitoring the LMI piece and suggestions on how it could be done. The decision was written in a way that farmland owners cannot use this as precedent. One member asked about the number of sand mines in Southampton.*

*This is a decision that would grant the hardship and change the easement being drafted in a specific way for a solar project that is being placed within a property that has been mined and has significant impact for the property already. Also added to the decision is that a sand mine floor is not a place for a warehouse to go because you would not see the roof of the warehouse because it is 30 feet down. This is only solar. In addition to the solar the company has a plan and agreed to have a pollinator friendly restoration with the solar panels while the panels are on the ground, and metrics will be added for survival rates. There were discussions of the details of the project dates, expiration dates, planting of trees, etc. Phase two of the project has no beginning date. There were discussions about phase two beginning and ending date of the project and a discussion of donating 25 acres of land to Southampton. Mr. Voorhis discussed the site was pursued because there was a possibility of phase two. The applicant's request is having the project conceptionally approved subject to submission of further details when they are known.*

*After closed executive session, there was a determination that the draft decision would remain as written with a few minor changes. Phase one of the project will commence in the next five years pursuant to the approval; the mining will cease in 2039; all phases of the project will be complete by 2074. The applicant needs to comply with all applicable town approvals for bonding, decommissioning, etc. Mr. Engleman explained that there are no requirements to fulfill the requirements of subscribe 60% LMI customers and they would like to agree to what the NYSERDA Program requires which is 30% and as the NYSERDA Program requirement changes the applicant will change the requirement as well. Mr. Panico inquired about meter credits. The applicant explained they would like to engage groups too.*

***The motion was made by Ms. Moore and seconded by Mr. Hubbard to approve sending the revised decision for CVE US NY Westhampton 243 LLC. The motion was approved by 4:0:1 vote with abstention by Mr. Panico.***

- d. ***Brookhaven Town drainage proposal / 200-300-2-9, 10.1 and 10.2 / Elm Street/ Pinehurst/Starr Boulevard / Calverton / proposal to acquire naturally vegetated property for drainage purposes; lot 9 has a conservation easement, lot 10.1 is on the residential roadfront exemption list and lot 10.2 has a Letter of Interpretation***  
*Summary: Ms. Hargrave discussed that this project appears to be development and would require a hardship waiver more information is required.*

***The motion was made by Ms. Moore and seconded by Ms. Juengst to approve sending the draft response for the Brookhaven Town drainage proposal. The motion was approved by 5:0 vote.***

#### **Compatible Growth Area**

e. **Brookhaven Town Referrals:**

- i. ***Granny Road Manor / south side of Granny Road, east of Mill Road, west of Richard Drive, Medford / 200-545-2-139.1 / Development including a change of zone from A Residence 1 to Planned Retirement Community to build 54 units apartment complex with recreational amenities and a sewage treatment plant on 9.18 acres***  
*Summary: Action deferred until the next meeting.*
- ii. ***NY Bully Crew Kennel / North Street, Yaphank / 200-617-4-32, 33, 34, 36.1, 37 / development of 4,800 square foot dog kennel with outdoor areas, parking and other features on 0.83 acres in the L1 zoning district***  
***Summary: The motion was made by Ms. Juengst and seconded by Mr. Panico to approve sending the draft response for NY Bully Crew Kennel. The motion was approved by 5:0 vote.***
- iii. ***Ross Electric SEQRA Coordination Positive Declaration / s/s Route 25, Middle Island / 200-431-3-26.3 / change of zone from J Business 2 and A Residence 1 to***

*L Industrial 1 and site plan to develop a 4,700 square foot warehouse on 1.17 acres*

**Summary: The motion was made by Mr. Panico and seconded by Mr. Hubbard to approve sending the draft response for Ross Electric. The motion was approved by 5:0 vote.**

- iv. **STNO LLC / 2851 Horseblock Road, Medford / 200-658-2-23 / Development including land division and zone change to retain a bank and build a car dealership on 7.97 acres in the J2 Business zoning district**

**Summary: The motion was made by Mr. Panico and seconded by Ms. Juengst to approve sending the draft response for STNO LLC. The motion was approved by 5:0 vote.**

- f. **Southampton Town ZBA Referral / Fisher Organization, LLC / 17 Cypress Avenue, Flanders / 900-142-3-10 / use variance to construct a residence on 11,739 square feet in the Village Business zoning district**

**Summary: The motion was made by Ms. Juengst and seconded by Mr. Hubbard to approve sending the draft response for Southampton Town ZBA. The motion was approved by 5:0 vote.**

- g. **Total Community Management at Country Point Meadows HOA / 1 Country Point Drive, Yaphank / request to remove dead trees infested by Southern Pine Beetle in a conservation easement**

**Summary: Ms. Hargrave discussed that the easement on the property does not allow cutting of trees. There are few things being requested first to cut down immediate hazardous infested southern pine beetle dead trees; the second request is to authorize the Executive Director with legal counsel to modify the easement to allow hazardous trees to be cut down without returning to the commission for approval; the next is authorize them to do immediate cutting upon inspection by staff.**

**The motion was made by Ms. Moore and seconded by Ms. Juengst to approve sending the revised draft response for Total Community Management at Country Point Meadows HOA. The motion was approved by 5:0 vote.**

- h. **Verizon Wireless / 65 Middle Country Road, Coram / 200-430-1-27 / development of a 150 foot monopole in addition to an existing 115 foot monopole on 2.58 acres in the J4 Business zoning district owned and occupied by Suffolk County facilities**

**Summary: The motion was made by Mr. Panico and seconded by Mr. Hubbard to approve sending the response for Verizon Wireless. The motion was approved by 5:0 vote.**

**4. Public Comment**

**Summary: No public comments were received**

**5. Closed Advisory Session**

**The motion was made by Ms. Juengst and seconded by Mr. Panico to close the public portion of the meeting and to move into an advisory session for the purpose of discussing and obtaining legal advice from Commission counsel the Commission would return to public session. The motion was approved by a 5:0 vote.**

*Meeting was adjourned at approximately 3.30 pm*

*Attachments (in order of discussion)*

1. Draft Commission meeting summary for May 15, 2024
2. Final Commission meeting summary for May 15, 2024
3. Draft resolution for the Commission to authorize the purchase of one All-Terrain Vehicle for the New York State Environmental Conservation Police dated June 26, 2024; All-Terrain Vehicle quotations from Bay Shore Mower dated February 26, 2024; Habberstad Powersports dated February 26, 2024 and Honda Riverhead dated February 27, 2024
4. Final resolution for the Commission to authorize the purchase of one All-Terrain Vehicle for the New York State Environmental Conservation Police dated June 26, 2024
5. Invoice from Bond, Schoeneck & King, PLLC Bill Number: 20024949 dated June 6, 2024
6. Draft resolution for Commission to accept USDA Forest Service Grant Funding to prepare a Southampton Community Wildfire Protection Plan dated June 26, 2024; Memo from the Central Pine Barrens Executive Director regarding USDA Forest Service Community Wildfire Defense Grant dated June 18, 2024
7. Final resolution for Commission to accept USDA Forest Service Grant Funding to prepare a Southampton Community Wildfire Protection Plan dated June 26, 2024
8. Draft response regarding PSEGLI Transmission Pole Replacements-11 Poles dated June 26, 2024; PSEGLI memo and pictures regarding PSEG LI Notification of work dated May 21, 2024
9. Final response regarding PSEGLI Transmission Pole Replacements-11 Poles dated June 26, 2024
10. Draft resolution regarding Clancy Street Food Court dated June 26, 2024
11. Final resolution regarding Clancy Street Food Court dated June 26, 2024
12. Draft resolution CVE US NY Southampton 243 LLC at Westhampton Property Associates dated June 26, 2024
13. Final resolution CVE US NY Southampton 243 LLC at Westhampton Property Associates dated June 26, 2024; Email from Sarah Lansdale, Suffolk County to John Milazzo dated June 25, 2024
14. Draft response and maps on drainage proposal at Pinehurst/Starr Boulevard dated June 26, 2024
15. Final response on drainage proposal at Pinehurst/Starr Boulevard dated June 26, 2024
16. Draft response on Granny Road Manor dated June 26, 2024; Memo and Town Board Application from the Town of Brookhaven on Granny Road Manor dated May 6, 2024
17. Draft response on NY Bully Crew Kennel dated June 26, 2024; Memo and Site Plan Application from Town of Brookhaven on NY Bully Crew Kennel dated May 30, 2024
18. Final response on NY Bully Crew Kennel dated June 26, 2024
19. Draft response regarding Ross Electric dated June 26, 2024; Town of Brookhaven memo and Town Board resolution 2024-400 and attachments dated May 22, 2024
20. Final response regarding Ross Electric dated June 26, 2024
21. Draft response regarding STNO, LLC dated June 26, 2024; Town of Brookhaven memo and application dated April 16, 2024
22. Final response regarding STNO, LLC dated June 26, 2024
23. Draft response regarding the Fisher Organization, LLC dated June 26, 2024; Town of Southampton Letter and application regarding Fisher Organization, LLC dated June 10, 2024;
24. Final response regarding the Fisher Organization, LLC dated June 26, 2024
25. Draft response to Country Pointe Meadows regarding a request to remove dead trees infested by Southern Pine Beetles dated June 26, 2024; Letter, photos and conservation easement from Total Community Management Corp regarding removal of dead trees dated May 16, 2024
26. Final response to Country Pointe Meadows regarding removal of dead trees infested by Southern Pine Beetles dated June 26, 2024
27. Draft response for determination of jurisdiction Verizon Wireless at Coram dated June 26, 2024; Letter and attachments from ALG Amato Law Group, PLLC dated May 30, 2024
28. Final response for determination of jurisdiction Verizon Wireless at Coram dated June 26, 2024