



**Commission Meeting of April 19, 2017
Brookhaven Town Hall**

Present: Mr. Andrew Freleng (Suffolk County), Mr. Edward P. Romaine (Brookhaven),
Mr. Daniel McCormick (Riverhead), Mr. Kyle P. Collins (Southampton)

**Adopted Resolution
Quogue Wildlife Refuge
3 Old Country Road, Quogue
Core Preservation Area of the Central Pine Barrens
SCTM #s: 900-287-1-1.55; 900-313-1-1.1; 900-313-1-2; 900-313-1-42.1;
902-1-1-22.1, 902-1-1-23.1, 902-1-1-24**

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Sean M. Walter
Member

Whereas, on February 15, 2017, the Executive Director of Quogue Wildlife Refuge (the “Applicant”), submitted a request to the Central Pine Barrens Commission (the “Commission”) for a determination whether the Applicant’s proposal to construct an 861 square foot elevated deck for use as an outdoor classroom and workspace (the “Project”) constitutes “development” as such term is defined in the Long Island Pine Barrens Protection Act of 1993, as modified; and

Whereas, the Quogue Wildlife Refuge (the “Refuge”) was established in 1934 as a nature preserve. The Refuge, in the Core Preservation Area of the Central Pine Barrens, is a 305 acre preserve owned by three entities including two municipal agencies: the Town of Southampton and the Village of Quogue, and the Southampton Township Wildfowl Association (SWTA). The Refuge contains structures including a 3,050 square foot nature center, constructed prior to June 1, 1993, and other structures and accessory uses including, but not limited to, wildlife rehabilitation enclosures, hiking trails, a parking lot, and restrooms; and

Whereas, the SWTA is a non-profit 501(c)(3) organization that manages the Refuge and owns the nature center building and other accessory facilities on the Refuge; and

Whereas, the Refuge’s mission statement reads: “Our obligation is to serve as a responsible land steward of the Refuge property and its natural resources, while promoting, implementing, and supporting environmental education;” and

Whereas, scouting and other environmental education programs have been offered at the Refuge since the 1960s, and in the 2016 calendar year, the Refuge conducted 350 scouting, educational and recreational programs including scouting activities for Girl Scout and Boy Scout Troops, Eagle Scouts, and related groups involved in merit badge activities and awards, and other programs that emphasize the preservation of natural resources for scouts, schools, public and private groups; and

Whereas, the Project will be attached to the west side of the Refuge’s existing nature center, as shown on the Survey titled “Proposed Outdoor Classroom/Workspace Plan” prepared by Land Use Ecological Services dated May 27, 2014 and a Received date stamp of February 15, 2017. The proposed Project consists of the construction of an elevated 19 foot wide by 45 foot long deck made of untreated timber 3.5 feet above grade on the west side of the existing nature center building. The Project will be used as an outdoor education area, and it will prevent visitors and students from entering the vegetated freshwater wetland area. The deck will connect to two established trails and is ADA compliant; and

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367
www.pb.state.ny.us

Whereas, the Project involves no regrading activity; one standing dead cherry tree will be removed and four other trees consisting of two maples (5 ³/₈ inch Diameter at Breast Height (DBH) and 6 inch DBH), one dogwood (3 ¼ inch DBH), and one tupelo sapling (2 inch DBH) will be removed for the Project; no other pine barrens vegetation will be removed or disturbed for the Project; and

Whereas, the Applicant will restore the area adjacent to the deck where no understory presently exists with native shrubs that will be planted and which will include highbush blueberry (*Vaccinium corymbosum*), sweet pepperbush (*Clethra alnifolia*), and/or inkberry (*Ilex glabra*); and

Whereas, scouts and scouting activities will continue to utilize the Refuge and will utilize the Project; and

Whereas, the Refuge supports and preserves the Central Pine Barrens including the Core Preservation Area in its natural state, insuring the continuation of Pine Barrens ecological communities which contain the unique and significant ecologic, hydrogeologic and other resources; and the Project, consistent with the Act and the Comprehensive Land Use Plan, promotes recreational and environmental educational uses, including scouting, that facilitate the appreciation of Central Pine Barrens resources including pine barrens ecology and water resources; and

Whereas, the Commission determines that the Project is consistent with the “non-development” definition in the Act because it is an “existing or expanded recreational use consistent with the purposes of this article including scouting activities, the maintenance or expansion of facilities associated with or necessary for such scouting activities including, but not limited to, the addition, modification, expansion or replacement of structures necessary for such activities and such clearing as may be reasonably required for the maintenance or expansion of scouting activities;”

Whereas, the Project is consistent with the Act because it is proposed in a maintained area presently used to store canoes and kayaks and requires the removal of only five trees including one standing dead tree.

Now therefore be it

Resolved, for the reasons listed above, the Commission determines the Project constitutes “non-development” pursuant to NYS ECL 57-0107(13)(vii) and thus not subject to Commission jurisdiction; and be it further

Resolved, this determination does not authorize the clearing of any other native vegetation on the property or the creation of a space to store any outside equipment, recreational gear, kayaks or equipment; and be it further

Resolved, when the deck is completed, the Applicant shall submit to the Commission office an As-Built survey of the new deck prepared by a licensed surveyor, containing the exact dimensions of the structure and the limits of clearing and disturbance, certified to the Central Pine Barrens Joint Planning and Policy Commission; and be it further

Resolved, notwithstanding this determination the Applicant shall be required to obtain all applicable permits and approvals.

Record of Motion

Motion by: Mr. Romaine

Seconded by: Mr. McCormick

In Favor: 4; Opposed: 0