



**Commission Meeting of August 11, 2010**  
Brookhaven Town Hall, Farmingville, New York

Present: Mr. Scully (New York State), Ms. Meek-Gallagher (Suffolk County),  
Mr. Lesko (Brookhaven), Mr. Walter (Riverhead), Mr. Shea (Southampton)

**Adopted Resolution**  
**Gazza Telecommunications Monopole**  
**Core Hardship Waiver Application**

Location: north side of County Road 51, in the hamlet of Eastport,  
Core Preservation Area of the Central Pine Barrens, Town of Southampton,  
Suffolk County, New York, Suffolk County Tax Map Number 900-213-1-72.1

Peter A. Scully  
*Chair*

Phillip J. Cardinale  
*Member*

Brian X. Foley  
*Member*

Linda A. Kabot  
*Member*

Steve A. Levy  
*Member*

Whereas, by resolution dated February 27, 2008, the Commission adopted a Positive Declaration pursuant to 6 NYCRR Part 617.7 on the subject application, which is a proposal to construct a 99-foot monopole and the installation of associated equipment on an existing 0.34 acre wooded, undeveloped parcel in the Open Space Conservation Zoning District, in the Core Preservation Area of the Central Pine Barrens, in the Town of Southampton; and

Whereas, by letter dated April 7, 2008, the applicant requested the Commission allow the two documents – New York Statewide Wireless Network (SWN) Final Generic Environmental Impact Statement (GEIS) and Central Pine Barrens Final GEIS – to act as the Draft Scope for the proposed project; and

Whereas, the Commission Staff reviewed the SWN Final GEIS and the Central Pine Barrens Final GEIS, and neither document contemplated the development of a wireless facility on the project site nor discussed site specific impacts associated with such development on this project site; moreover, the Central Pine Barrens GEIS did not evaluate the development of wireless towers in the Central Pine Barrens; and

Whereas, site specific impacts are not generally covered in Generic Environmental Impact Statements, unless otherwise specified; thus, a site specific Scoping Document is required for the proposed project; and

Whereas, by letter dated April 14, 2008 and July 23, 2010, the Commission staff informed the applicant that the Commission would not accept the request to use these two documents as the Draft Scope and that he should prepare a project specific Draft Scope in accordance with 6 NYCRR Part 617.8 for Commission review. If he chose not to do so, the Commission would “terminate its review of the action,” pursuant to 6 NYCRR Part 617.9(a)(1); and

P.O. Box 587  
3525 Sunrise Highway  
2<sup>nd</sup> Floor  
Great River, NY  
11739-0587

Phone (631) 224-2604  
Fax (631) 224-7653  
www.pb.state.ny.us

Whereas, by letter dated May 10, 2008, which was date stamped received by the Commission on July 30, 2010, Mr. Gazza requested that the Commission “[a]dvice why these two GEISs are not satisfactory to act as my Draft Scope...in writing;” and

Whereas, if the Commission does not act at this time, the decision deadline on the subject application remains open indefinitely until the applicant submits a Draft Scope. The applicant has indicated verbally and in a letter dated May 10, 2008 that he does not intend to prepare a project specific Draft Scope. Thus, to avoid an unauthorized decision and an indefinite deadline, it is recommended that the Commission proceed to deny the proposed project without prejudice; now, therefore, be it

Resolved, pursuant to 6 NYCRR Part 617.9(a)(1) and Environmental Conservation Law Article 57, the Commission denies the proposed Gazza Telecommunications Monopole Core Hardship application without prejudice.

**Record of Motion**

Motion by: M. Shea

Second by: S. Walter

Vote:

Yes: 5

No: 0

Abstain: 0