

Central Pine Barrens Joint Planning and Policy Commission

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Commission Meeting Summary (FINAL) for January 7, 1998 (Approved 1/28/98) Riverhead Town Hall; Howell Avenue and East Main Street; 2:00 pm

Commission members present: Mr. Proios (for Suffolk County), Ms. Wiplush (for Brookhaven), Mr. Villella and Ms. Filmanski (for Riverhead; Mr. Villella voting), Mr. Shea (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Ms. Roth. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, Mr. Milazzo (from the Commission), Mr. Grecco (from the Suffolk County Department of Law and Vice Chair of the Pine Barrens Credit Clearinghouse), Mr. Spitz (from the NYS Department of Environmental Conservation), and Capt. Conklin (from the NYS Forest Rangers, Vice Chair of the Wildfire Task Force, and member of the Law Enforcement Council). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 2:12 pm by Mr. Proios, with a five member quorum.

Administrative

! Public comments

Summary: The only speaker was Mr. Walter Olsen, representing Civil Property Rights Associates. Mr. Olsen asked whether there had been any progress in investigating the physical blockage of a portion of Mill Road off of Edwards Avenue, north of the Long Island Expressway. He noted that he had reported that this may be preventing access to property owned by Mr. Kroll, who had originally called Mr. Olsen.

Ms. Plunkett and Capt. Conklin explained that they had looked at the area, and saw a blockage different than what Mr. Olsen had reported, but were unable to determine the location of Mr. Kroll's property. A letter to Mr. Kroll requesting more information on the location of his property has been sent out. After a brief discussion, it was agreed that Mr. Olsen and Ms. Plunkett will discuss this further, and may go out in the field together to see the site.

! Draft meeting summary for 12/17: distribution (for next meeting)

Summary: Mr. Corwin distributed this for review at the 1/28/98 meeting.

! Preliminary Draft 1998-99 State budget request: status *(to be distributed)*
Summary: Mr. Corwin distributed the attached preliminary draft budget which was submitted in December for inclusion in the 1998-99 Executive Budget document. No action is currently required by the Commission.

! Stenography cost policy: revision *(old policy to be distributed)*
Summary: Mr. Corwin distributed the attached current Commission policy on public hearing costs in general, and stenographic costs in particular. He recommended that the Commission modify its policy, originally adopted in 1994, to eliminate the requirement that applicants pay for the stenographic transcripts of hearings. He explained that the production of the transcripts was essentially a convenience, and apparently not required by law (unlike the legal notices in newspapers).

A motion was then made by Mr. Cowen and seconded by Mr. Shea to modify the Commission's resolution of 7/13/94 to now eliminate the need for applicants to pay for the cost of producing a stenographic transcript for their hearings, while retaining the requirement that they pay for the cost of legal notices published in newspapers. Mr. Proios and Ms. Filmanski asked whether the stenographic costs were covered in the current and proposed budgets, and Mr. Corwin stated that they were. The motion was approved by a 5-0 vote.

Pine Barrens Credit Program

! Offer to purchase credits from Brookhaven owners: status of purchase offer
Summary: Mr. Milazzo reported that this purchase offer would be mailed out this week, and that the response deadline has been changed from 1/30/98 to 2/6/98.

! Gazza / Westhampton / credit appeal: extension request until 1/28/98 *(postponed from 12/17 meeting)*
Summary: Mr. Milazzo reported that Mr. Gazza has requested an extension of the decision deadline on his credit appeal for parcel number 900-286-2-10 for thirty days (see attached letter). **A motion was then made by Mr. Cowen and seconded by Mr. Shea to accept and approve that request for a decision extension. The motion was approved by a 5-0 vote.**

! Certificates, Letters of Interpretation, and transactions: summary
Summary: Mr. Milazzo then described a recent application for a Letter of Interpretation (LOI) for a parcel on Starr Boulevard, south of Nugent Drive, in the Calverton area of Brookhaven Town. The parcel has a deed from the 1950's which has never been recorded with the County Clerk.

Mr. Milazzo and Mr. Grecco then explained that the deed needs to be recorded before a LOI can be issued. Mr. Grecco also reported that the owner has been paying taxes on the property. During the ensuing discussion, the possibility of having the owner contact a title company to represent her arose, as did the question of who should do the filing of the deed, since the owner lives out of state and has no local contacts. It was agreed that the matter would be left to the discretion of Mr. Grecco and the Clearinghouse.

Plan implementation

- ! Draft County All Terrain Vehicle Law: discussion and possible resolution (carried over from 12/17 meeting)

*Summary: Mr. Corwin distributed the attached draft legislation (same item distributed at the prior meetings), and a brief discussion ensued regarding the reason that there is a gap in the County law at this time, the penalties, and the review of the legislation by the Towns. Ms. Wiplush and Mr. Shea reported that each of their Town Attorneys' offices have reviewed the legislation and have no objection. **A motion was then made by Mr. Cowen and seconded by Mr. Shea to recommend to the County of Suffolk that the current lack of a Suffolk County all terrain vehicle law be corrected by the passage of County legislation, in a form acceptable to County lawmakers. The motion was approved by a 5-0 vote.***

Capt. Conklin left at this time.

Core Preservation Area

- ! Mahfar Associates / Ridge / site plan: request for extension of SEQRA determination and decision deadline until 2/18/98

Summary: Ms. Plunkett distributed the attached letter from Mr. Sanderman, representing the applicant, requesting an extension of sixty days for both the State Environmental Quality Review Act (SEQRA) determination of significance and the decision deadline under the state pine barrens law. She also distributed another attached letter from Mr. Sanderman responding to comments on the project previously made the Ridge Civic Association and the Open Space Council.

A motion was then made by Mr. Cowen and seconded by Mr. Villella to approve the extension of both of those deadlines for this application to the 2/18/98 Commission meeting. The motion was approved by a 5-0 vote.

- ! Southampton Tradespersons Center / Westhampton / site plan: application

withdrawal

Summary: Ms. Plunkett read a written request received from Mr. Gazza, the project sponsor, to withdraw the Southampton Tradespersons Center application (attached; it is part of the same attachment as his other request for a credit appeal deadline extension). She also explained that Mr. Gazza has submitted a request for a hearing on a new application for this site, however, he said that he would not be submitting all the materials for this application today. It was noted that the Commission has previously scheduled hearings on other applications without all materials being present at the time of scheduling.

Mr. Amper, representing the Long Island Pine Barrens Society, requested a copy of the new application when it is received.

A motion was then made by Mr. Shea and seconded by Mr. Cowen to (1) accept the withdrawal of the original Southampton Tradespersons Center core hardship application and (2) to schedule a hearing on the new application, similarly titled, for the 1/28/97 Commission meeting, on the condition that the remaining materials be received from Mr. Gazza prior to that hearing. The motion was approved by a 5-0 vote.

Compatible Growth Area (CGA)

- ! Brookhaven Zoning Board of Appeals (ZBA) lots and Pine Barrens Plan clearance standard: follow-up analysis from 12/17

Summary: Ms. Plunkett provided additional copies of the attached memo (originally distributed at the 12/17/97 meeting). A discussion followed regarding the maximum impact that the clearance polices analyzed there could have; the need, if any, for a Plan amendment; and the question of what has happened with those lots currently approved by the Brookhaven Zoning Board of Appeals under the clearance restrictions of the Plan, since no Compatible Growth Area hardship applications have yet been filed for any of these lots. The issue of the effect of such Plan amendments on lands in the other two towns also arose briefly.

It was also noted in the discussion that clearance issues may arise regarding fire considerations, such as possible defensible space recommendations which may be considered by the Wildfire Task Force in its Prefire Management Plan. Distinctions were then drawn between the small lots in the developed portions of the Compatible Growth Area of Brookhaven Town, and the undeveloped small lots which exist in the core area of the three towns, where the CGA standards do not apply.

It was then agreed that no action would be taken at this time, and that the issue of clearance on the small "ZBA lots" would be revisited in the future.

Plan implementation

- ! Law Enforcement Council: next vehicle airlift (*not on the original agenda*)
Summary: Mr. Corwin reminded the Commission members that the next Law Enforcement Council airlift of abandoned vehicles from public lands within the core area will be held on 1/26/98 at the State's Rocky Point Natural Resources Management Area. (See attached memo, previously distributed, which was also provided at this time.)

Mr. Cowen left at this time, and a four person quorum remained. The meeting was temporarily adjourned from approximately 3:02 pm to approximately 3:52 pm. Mr. Villella was out of the room for the following item, but returned for the public hearing.

Administrative

- ! Designation of hearing officers for today's hearing (*not on the original agenda*)
Summary: A motion was made by Mr. Shea and seconded by Ms. Filmanski to designate the Commission members from Riverhead, Southampton, and Suffolk County as hearing officers for today's hearing. The motion was approved by a 4-0 vote.

Ms. Wiplush left at this time, and three Commission members remained, serving as hearing officers.

Public hearing: Scheduled for 4:00 pm

- ! Altaire Pharmaceuticals / Calverton / site plan / Core area
Summary: A separate stenographic transcript exists for this.

The public hearing ended at approximately 4:37 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Preliminary Draft Commission Budget for 1998-99 Fiscal Year (Dec. 1997; 4 pages)
4. Public hearings cost policy of Commission (7/13/94; 3 pages)
5. Letter from J. Gazza re core application and credit appeal (1/5/98; 1 page)
6. Memo and draft County all terrain vehicle law (11/26/97; 3 pages)
7. Letter from P. Sanderman re extensions for Mahfar application (1/7/98; 1 page)
8. Letter from P. Sanderman responding to Ridge Civic Association and Open Space Council (1/7/98; 3 pages)
9. Analysis of clearance scenarios for ZBA lots in the CGA (12/17/97; 2 pages)