



**CENTRAL
PINE
BARRENS**

**JOINT
PLANNING
&
POLICY
COMMISSION**

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**Commission Meeting Summary (FINAL) for September 16, 1998
(Approved 10/7/98)
Park Police and Pine Barrens Center
Southaven County Park; Yaphank
2:00 pm**

Commission members present: Mr. Gaffney and Mr. Proios (for Suffolk County at the times indicated; Mr. Gaffney voting when present), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), 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, Ms. Jakobsen, and Mr. Rizzo (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 2:14 pm by Mr. Proios, with a five member quorum.

Public Comment

Summary: The only speaker at this time was Mr. Howard Maye, a resident of Manorville representing himself. Mr. Maye spoke about his concerns regarding the proposed installation of a cellular telephone station on an existing utility pole in the Manorville area, and the long term implications of the spread of such installations.

The specific site to which he referred is an existing Long Island Power Authority pole on South Weeks Avenue in Manorville, east of the William Floyd Parkway, north of the Long Island Expressway, at Exit 69. He described the dimensions and other specifics of the site, and stated that he was concerned about the spread of these facilities due to their aesthetic and health effects. He distributed the attached materials on these issues, and then discussed the pine barrens law's definitions section regarding "development".

Specifically, he referred to the provision that addresses changes in the type of a use or structure, as well as other sections. He stated that the problem that he saw was not with simply this site, but with the others that will follow across the landscape.

He noted that other states and areas have tried creative approaches for colocation of utilities and communications facilities, as well as

camouflaging of towers and facilities to minimize their visual effect. He expressed hope that the Pine Barrens Commission will act unfavorably on the current project.

Administrative

! Draft summary for 8/26: review, approval

Summary: Ms. Roth suggested the following changes to the draft meeting summary for 8/26/98: (1) under "Draft preapproved subordination agreement", the summary should read, in whole:

"Mr. Milazzo distributed a draft subordination agreement which would be used for a small number of PBC Program applications for properties which have a mortgage lien on them. The matter was referred to counsel for review.";

(2) under "Northrop Grumman / Calverton", the summary should read, in whole:

"Ms. Plunkett reported that the Commission has received a SEQRA lead agency coordination from Riverhead Town for a change of zone proposal for the developed parcel on the south side of Grumman Boulevard which is owned by the Northrop-Grumman Corp. The proposal was initiated by the owner and involves a change from Defense Institutional to Industrial A. The Town Board wishes to become lead agency.

A brief discussion then ensued regarding the state of plans for the larger, fenced-in US Navy parcel on the north side of Grumman Boulevard, across the street from the subject parcel. It was noted that the subject parcel is not part of that planning process.

Discussion turned to whether the change of zone requires a core area permit, and Mr. Rigano read the relevant provision from the pine barrens law regarding what constitutes development. It was then agreed that today's question was simply whether the Commission wishes to seek lead agency status. It was agreed that the Commission will not request lead agency status for this action."

A motion was then made by Mr. Shea and seconded by Ms. Filmanski to approve the summary of the 8/26/98 meeting with these changes. The motion was approved by a 4-0-1 vote, with the abstention cast by Mr. Cowen.

! 10/7 Commission meeting: possible relocation to Commission office

Summary: Mr. Corwin suggested that the 10/7/98 Commission meeting, which is currently scheduled to be held at the Riverhead Town Hall, be relocated to the Commission office in Great River. This is due to the Pine Barrens Research Forum beginning the next day (10/8/98), and the need to finish preparations for that after the Commission meeting. That was agreed upon.

Plan Implementation

- ! Law Enforcement Council: comment on last meeting (*not on the original agenda*)
Summary: Mr. Proios reported that the Law Enforcement Council, at their last meeting, were seeking vehicles for patrolling the pine barrens, and that there is a potential source of such equipment through the federal government. He volunteered to obtain and provide that information to the Council.

Pine Barrens Credit Program

- ! Program status and results of 9/10/98 Clearinghouse Board meeting
Summary: Mr. Milazzo reported that the Clearinghouse Board approved a third reverse auction of Pine Barrens Credits for Brookhaven Town, with a price range of \$15,000 to \$20,000 per credit. He then summarized the reverse auction process.

He then reported that the Clearinghouse Board held an extensive discussion of conservation easements for properties that are partially developed, but which contain enough acreage to qualify for a credit allocation under the Pine Barrens Plan formula. He explained that this generally occurs in the case of residential properties when the parcel is larger than the applicable zoning category's minimum lot size.

The Clearinghouse recommended an approach to the placement of the conservation easement on those sites which would cover the entire site. Since the Commission holds the easements, the Clearinghouse is forwarding the recommendation for review and a decision.

In the extensive discussion that followed, various hypothetical situations were discussed, as were issues regarding surveys, possible building envelopes, changes in the easement language, and other factors. The discussion also touched upon general policy questions and the specific several applications for credits on such parcels that have been received. It was then agreed that a draft easement would be crafted by counsel and faxed around prior to the next meeting.

- ! Skaalerud / Calverton (Brookhaven): credit appeal discussion
*Summary: Mr. Milazzo summarized this previously discussed credit appeal for a one half acre parcel consisting of an island in the Peconic River in Calverton in Brookhaven Town. Mr. Dominic Nicolazzi, representing the appellant, discussed the parcel; its accompanying easement on a separate parcel on the mainland which provides access to a public, improved road; the 1965 purchase date of the parcel; and reported that it was single and separate. In the discussion that followed, it was noted that the parcel is unique and is adjacent to public land. **A motion was then made by Mr. Cowen and seconded by Mr. Proios to grant the credit appeal and to assign one full credit to the one half acre parcel.***

The motion was approved by a 5-0 vote.

Mr. Gaffney arrive at this time.

- ! Toussie / miscellaneous areas (Brookhaven): possible litigation representation by Attorney General

*Summary: Ms. Roth reported that the NY Attorney General's staff has indicated a willingness to represent the Commission in this matter, if a request is made to them. **A motion was made by Mr. Cowen and seconded by Mr. Gaffney to defer this case to the NY Attorney general's Office for legal representation of the Commission. The motion was approved by a 5-0 vote.***

Mr. Grecco left at approximately this time.

Core Preservation Area

- ! Michaelangelo's Restaurant / Manorville: authorization of Chair to sign stipulation resolving clearing violation

*Summary: Ms. Roth reported that the attached stipulation has been agreed to by the property owner in this matter, which involves clearing and construction in the core area without a core area hardship permit. She explained that the Commission would need to agree to it and authorize the Chair to sign it. **A motion was made by Mr. Cowen and seconded by Mr. Shea to authorize the Commission Chair to sign the stipulation on behalf of the Commission. The motion was approved by a 5-0 vote.** The stipulation was then signed by Mr. Gaffney and that signing was notarized by Ms. Filmanski.*

Plan Implementation

- ! NY Incident and Wildfire Management Academy: status and final schedule

Summary: Mr. Corwin summarized the upcoming October Academy, a joint project of several agencies which provides formal training to fire, emergency, volunteer, and other personnel involved with response to, and management of, incidents and emergencies. He distributed copies of the final schedule (cover page attached) and specifically urged government officials to consider attending the two hour course entitled Incident Command System for Executives. Mr. Gaffney has signed a letter to Suffolk County elected officials inviting them to join him in attending on 10/27, the first day of the Academy.

- ! 1998 Pine Barrens Research Forum: status and final schedule

Summary: Mr. Corwin distributed the attached final schedule for the third annual Pine Barrens Research Forum, to be held 10/8 and 10/9 at Brookhaven National Laboratory, and cosponsored by the Commission, the Lab, and the LI Groundwater Research Institute at SUNY at Stony Brook. He briefly described the talks and field trips, and noted that Mr. Gaffney was one of the welcoming

speakers.

- ! Presentation of County Executive Proclamation to Ranger Darryl Kittle
Summary: Mr. Gaffney presented Ranger Kittle with a County Executive Proclamation honoring him for his service on Long island. Ranger Kittle is receiving a promotion to Lieutenant and will be transferred to the Schenectady region.

- ! Wildfire Task Force: presentation of *Draft Central Pine Barrens Fire Management Plan*
Summary: The Draft Fire Plan was summarized, both by chapter and by specific recommendations by the Wildfire Task Force Executive Board, consisting of Chief Phil Drower of the Wading River Fire Department, Chair, Mr. John Urevich of the Southampton Town Chiefs Council, Co-Vice Chair, and Capt. Robert Conklin of the NYS Forest Rangers, Co-Vice Chair. Several other members of the Wildfire Task Force were present as well, including Ex-Chief John Searing of the Rocky Point Fire Department, who served as the Task Force's initial Chair. At the conclusion of the presentation, Mr. Gaffney stated that the Draft Plan is an excellent product, and noted how much everyone involved with the 1995 wildfires has learned since that time. The Commission members congratulated and thanked the Task Force for their hard work and fine results. A brief discussion ensued regarding some of the specific recommendations, including the acquisition of various firefighting and support equipment such as radios, the issue of payments in lieu of taxes, etc.

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski to accept the Wildfire task Force's Draft Fire Management Plan for the purposes of commencing review of the Plan pursuant to the State Environmental Quality Review Act. The motion was approved by a 5-0 vote.

A second motion was then made by Mr. Cowen and seconded by Mr. Gaffney to make the Wildfire Task Force a permanent council of the Commission. The motion was approved by a 5-0 vote.

Capt. Conklin and the other members of the Law Enforcement Council and the Wildfire Task Force left at this time.

Pine Barrens Credit Program

- ! Continuation of conservation easement discussion from earlier in meeting
Summary: At this point, discussion returned to the earlier topic of possible changes to the preapproved conservation easement language in order to have a version applicable to partly developed residential properties. Mr. Cowen suggested a specific set of changes that everyone agreed to review before the next meeting. Those changes will be compiled by counsel and forwarded to Commission members in the next several days.

Core Preservation Area

! Sprint / Manorville: determination of jurisdiction

Summary: Ms. Plunkett distributed the attached inquiry letter from Sprint regarding the status of their proposed cell telephone installation on an existing utility pole in Manorville. (This is the same project referred to at the start of the meeting during the public comment period.) They are seeking a determination of jurisdiction.

Ms. Roth commented briefly on some of the issues which arise in determining the proposal's status under the state pine barrens law, including whether the company is considered a public utility, whether the project involves clearing or construction, and whether the project is consistent with the goals and objectives of the pine barrens statute.

A brief discussion ensued regarding whether a hearing should be scheduled, but it was agreed that no hearing could be scheduled until an application is made. It was also agreed that there is a lack of information at this time, and that further information is required from the sponsor before a determination is made. Commission staff will visit the site and request the sponsor's presence at the next Commission meeting.

Ms. Emily Pines, the Brookhaven Town Attorney, and Mr. Wayne Bruyn, the Deputy Southampton Town Attorney, arrived at this time.

! Fireman's Park / Ridge: discussion of proposed addition to park facilities (not on the original agenda)

Summary: Ms. Plunkett summarized the prior review of this project which the Commission undertook, when it was submitted by a private concessionaire at the Town facility. The prior inquiry regarding the status of the project under the state pine barrens law resulted in a determination that the project qualified as "development" under the law, and that a core hardship application would be required. However, no application was ever received by the Commission. She noted that she received an inquiry from the Town Attorney's office yesterday regarding the scheduling of a hearing, and Ms. Wiplush raised the matter for discussion today.

Ms. Pines noted that the project is cosponsored by the Town and the licensor. Mr. Cowen noted that an application is required in order to schedule a hearing, as was just decided with the Sprint project. It was agreed that an application would have to be filed in order to proceed further.

Executive Session

Summary: **A motion was made by Mr. Cowen and seconded by Ms. Filmanski to enter into executive session for the purpose of receiving legal advice from**

counsel. The motion was approved by a 5-0 vote, and the Commission entered into executive session from approximately 4:49 pm through 6:40 pm.

Attachments (in order of discussion):

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Handouts regarding cell telephone installations (undated; 2 pages)
4. Stipulation agreement with Michaelangelo's Restaurant (9/16/98; 3 pages)
5. Wildfire and Incident Management Academy cover page (10/27/98; 1 page)
6. 1998 Pine Barrens Research Forum flyer (10/8/98; 2 pages)
7. Project status inquiry letter from Sprint (9/16/98; 3 pages)