



Town of Brookhaven Long Island

Mark Lesko, Supervisor

Minutes

Carmans River Study Group
November 17, 2010

Members Present: Dr. Lee Koppelman, Chair (Center for Public Policy, SUNY SB), Dick Amper (LI Pine Barrens Society), Tullio Bertoli (TOB PELM), Eva Greguski (TOB PELM), Julie Hargrave (Central PB Commission), Jeff Kassner (TOB PELM), Mike Kelly (Long Island Builders Institute), Liz Krolik-Alexander (TOB CD#4), Kevin McAllister (Peconic Baykeeper), Alpa Pandya for Kevin McDonald (Nature Conservancy), Charles Mancini (Long Island Builders Institute), Matt Miner (TOB Sup's Office), John Pavacic (Central PB Commission), Peter Scully (NYS DEC), William Spitz (NYS DEC), Jim Tripp (Carmans River Partnership), John Turner (TOB PELM), Bob Wieboldt (Long Island Builders Institute), Tom Williams (Carmans River Partnership).

Members Absent: Pelly Damianos (Damianos Realty Group).

Others: Robert Dooley (Attorney for Birchwood Civic Association), Marilyn England (Open Space Council), Robert Kessler (CSYL), Gail Lynch-Bailey (MI Civic Association), Michael Madigan (Open Space Council), Dan Morris (Open Space Council), Tom Talbot (MI Civic Association), Dave Thompson (Open Space Preservation Trust), Chic Voorhis (NP&V).

1. General Remarks

- None.

2. Review of Minutes

- Minutes of November 10 were reviewed and corrected. Minutes were accepted.

3. Review of Goals and Objectives

- None

[meeting agenda taken slightly out of order – minutes are recorded as per agenda]

4. Review of John Pavacic's 10.6.10 Plan Outline

Department of Planning, Environment and Land Management

Tullio Bertoli, Commissioner

Brenda Prusinowski, AICP, Deputy Commissioner

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- **John Pavacic** noted that at a prior meeting, Dr. Koppelman had assigned him, Bob Wieboldt, Dick Amper and Peter Scully to discuss one of the recommendations in the 10/6/10 document: the expansion of the Central Pine Barrens Core Preservation Area boundaries. Both John Pavacic and Jeff Kassner produced maps depicting the locations of the proposed core expansion areas. John Pavacic provided an overview of these for the other Study Group members. John Pavacic indicated that LIBI had expressed concern about impacts on any development projects located within the proposed expansion areas and had asked for additional information. However, John Pavacic noted that there was a general feeling of the Core Boundary subcommittee (which met earlier in the week) that it was acceptable to include the depicted public lands in a Core expansion.
- **Bob Wieboldt** requested that pending projects be included on the core boundaries expansion map.
- **Charles Mancini** asked what the present zoning is and that it be included on a map. **Dr. Koppelman** asked that a prose description, parcel by parcel, including ownership, zoning, acreage be created to coincide with the map.
- **Dr. Koppelman** asked how much land represents developed housing within the proposed expansion areas and why developed areas were proposed as well. **John Pavacic** explained some parcels are underdeveloped and may have additional opportunity for further subdivision, including via approvals of the BZA, or could be subject to redevelopment to another use such as commercial.
- **Jim Tripp** asked if John Turner has looked at this and are priority parcels included. **John Turner** said some were included, but not all.
- **Jim Tripp** asked if there is a consideration to expand the CGA as well. **John Pavacic** noted that there was a general proposal to expand the CGA, but the development community had significant reservations. **Charles Mancini** said everything needs to be on the table simultaneously.
- **Jeff Kassner** said this would mean we are still in the situation of having a duplicate TDR program. **Bob Wieboldt** asked if there is any reason why TOB can't regulate it. **Dr. Koppelman** they could, except TOB regulations can change with administrations.
- **John Pavacic** stated these areas are suggested and are meant to start a point of discussion. He also noted that these proposed Core expansion areas were developed as a potential alternative to the Town creating its own sending zone and own TDR program which could potentially conflict with the existing Central Pine Barrens program. John Pavacic indicated that indicated there were other areas, particularly primarily developed areas adjacent to the river, which required further review and discussion.
- **Bob Wieboldt** stated that it is important to capture areas on the river, especially those closest to the river as per the groundwater contributing areas map. **John Pavacic** also noted that areas that provided ecological value, such as connectivity between existing large, public natural areas, were also a factor that needed to be considered.

- **Dr. Koppelman** noted that NYS statutes determine boundaries, and any expansion would have to be a recommendation.
- **Charles Mancini** asked if we are certain there are receiving areas available without diminishing population. **Mike Kelly** said this could make the entire town a receiving area.
- **Dick Amper** noted the Pine Barrens Act makes this permanent and TOB may want to enjoy a benefit of indemnification provided by its sending areas being within an expanded Core. He made the suggestion of using the data and maps with **Jim Tripp's** proposed TDR program and then come up with recommendations.
- **Jim Tripp** said he mentioned expanding the CGA because it could be viewed as additional receiving areas. **Bob Wieboldt** noted the Town needs specific sending and receiving areas, and some of the proposed code changes (i.e. MF code) makes a townwide receiving area appropriate.

5. Review of Carmans River History

- **Tom Williams** noted he received some feedback via email and will be amending his draft to reflect some changes. **Dr. Koppelman requested that Eva Greguski prepare a final draft, with photographs, for the committee for next week.**

6. Review of Development Projects

- **Eva Greguski** distributed the list of proposed development projects in the expanded study area. She noted there are some minor corrections to be made to the list, but it is accurate as of Monday, November 15. **Bob Wieboldt** asked if she could indicate if an EIS has been prepared for each of these projects.

7. TDR Proposal

- **Tullio Bertoli** said there needs to be a nexus between land use and preservation. There are several ways for TOB to achieve that and the current draft MF Code seems to be a reasonable vehicle for that. An expansion of the core would allow simplification, but there is a need to determine the number of credits.
- **Jim Tripp** added that if additional density is linked to preservation, there needs to be some degree of buy-in from all communities. He presented his previously distributed proposal
- **Charles Mancini** noted there is no as-of-right. **Jim Tripp** said there is, but it doesn't work very well. **Charlie Mancini** noted there were no multi-family receiving areas and indicated that these needed to be sited and approved by the Town Board in order to make this program work. **Mike Kelly** said there needs to be some flexibility since the underlying value of the land will go up, especially that of land in receiving areas as additional land is acquired and preserved. **Dick Amper** said the departure from as-of-right has increased and that the shortcoming has been in that increases in density are being approved without Pine Barrens Credit redemption.

- **Dick Amper** indicated the land acquired can produce credits. **Bob Wieboldt** stated that the Town of Brookhaven needs defined multifamily areas and the Town's existing MF zoning is really an overlay. Bob Wieboldt also noted that there is a flaw in that there are no sewers or other required infrastructure in areas which are candidates for multifamily zoning. He also noted that the County STP study will not be done until 2011. Bob Wieboldt also questioned the process of generating credits and indicated that when land is acquired, the government should bank credits so they are available to developers. **Dick Amper** said that community input can't be diminished.
- **Jim Tripp** explained that in his TDR proposal he looked at the 0 to 2, 2 to 5, etc., groundwater contributing areas as sending areas based on John Turner's map. He obtained the amount of developable land from the Town but needs the existing zoning to predict more precisely how many credits could be generated. Jim Tripp also mentioned that his proposal was based on the assumption there would be no acquisitions in these areas.
- **Bob Wieboldt** said a linear core, which follows the groundwater contributing areas of greatest concern closest to the river, should be created as opposed to expanding the core boundaries through public land.
- **Dr. Koppelman** asked **Jim Tripp** and **Tullio Bertoli** if they have reached a consensus. **Tullio Bertoli** said there is more work to be done, and it would be useful to add attorneys to the committee. It was determined that there should be a meeting with Tullio Bertoli, Bob Wieboldt, Jim Tripp, John Pavacic and John Milazzo, counsel to the Central Pine Barrens Commission, to further discuss the Town's TDR proposal.
- **Dick Amper** said the core committee should sit down again to discuss what the real options are.
- **Jeff Kassner** asked how we identify where sending areas should be. He suggested posing that question to the TAC.
- **Kevin McAllister** said it is important to remember that nitrogen load is key and we must conform to water quality standards. He also stated that there should not be any receiving areas within the Carmans River Watershed as this would defeat the purpose of having a nitrogen limit and reducing nitrogen input to the river. **Bob Wieboldt** said we need to know what those limits are.

8. Report from Technical Advisory Committee (Jeff Kassner)

- **Dr. Koppelman** delivered the report from the TAC. He noted the maps TOB PELM produced, depicting the study area north of Route 25. He explained **Henry Bokuniewicz** has produced recommendations on long term monitoring analysis.
- **Jeff Kassner** delivered a report on existing conditions. He also indicated **Mary Anne Taylor** will be producing a prose explanation of the groundwater model and its reliability.

- **It was requested that the hydrogeological committee goals distributed to the TAC also be distributed to the Study Group.**

9. Report on Vacant and Undeveloped Lands (John Turner)

- **John Turner** distributed a land acquisition prioritization framework. His initial analysis totaled approximately 652 acres identified for priority acquisition.
- **Bob Wieboldt** asked if size is as important as distance to the river. **John Turner** said it weighted equally. **John Pavacic** asked if the Town could provide matrices showing how it applied its ranking system. **John Turner** said this could be done.
- **Dr. Koppelman** noted priorities can change as reality and opportunity arise. **Peter Scully** noted this is a voluntary program.
- **Dr. Koppelman asked the Study Group to review the acquisition priorities for next week's meeting.**

10. Public Comment

- **Mary Ann Johnston** asked if subcommittee meetings are also open to the public. **Dr. Koppelman** replied no, as the committee should hear the work of the subcommittees first. She asked the committee not to lose sight of the goals.
- **Robert Dooley** asked for more clarification on the TDR proposal.
- **Gail Lynch-Bailey** asked for copies of the reports distributed. **Eva Greguski** stated they would be put on the website for everyone to view.

11. Schedule next meeting

- Next meeting is scheduled for Wednesday, November 23 at 11:30AM in the OLD PELM CONFERENCE ROOM, FIRST FLOOR.

12. Adjourn