



# Town of Brookhaven Long Island

Mark Lesko, Supervisor

## Minutes

Carmans River Study Group  
December 29, 2010  
Town of Brookhaven

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), Jeff Kassner (TOB PELM), Liz Krolik-Alexander (TOB CD#4), Kevin McDonald (Nature Conservancy), Charles Mancini (Long Island Builders Institute), John Pavacic (Central PB Commission), Peter Scully (NYS DEC), William Spitz (NYS DEC), Jim Tripp (Carmans River Partnership), Bob Wieboldt (Long Island Builders Institute), Tom Williams (Carmans River Partnership).

Members Absent: Pelly Damianos (Damianos Realty Group), Julie Hargrave (Central PB Commission), Mike Kelly (Long Island Builders Institute), Kevin McAllister (Peconic Baykeeper), Matt Miner (TOB Sup's Office), John Turner (TOB PELM) .

Others: Judith Bird (League of Women Voters), Karen Blumer (Open Space Preservation Trust), David Clemens (Longwood Public Library), Robert Dooley (Attorney for Birchwood Civic Association), Mel Lantz (Trout Unlimited), Gail Lynch-Bailey (MI Civic Association), Marilyn McKeown (League of Women Voters), Michael Madigan (Open Space Council), Beth Moteschenbacher (LI Pine Barrens Society), Regina Seltzer (League of Women Voters), Doug Swesty (Trout Unlimited), 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 December 22 were reviewed and corrected. Minutes were accepted.

### 3. Core Expansion and TDR Update

- **Tullio Bertoli** gave an update on the Core Expansion meeting. The sub-committee will be meeting again directly after the Study Group meeting. **Jim Tripp** said we still need to determine the number of credits; creating a high number of credits is a problem if there are not enough places to absorb them. **Bob Wieboldt** said some form of as-of-right MF is needed. **Dick Amper** said that is

Department of Planning, Environment and Land Management

Tullio Bertoli, Commissioner

Brenda Prusinowski, AICP, Deputy Commissioner

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premature. **Charlie Mancini** said if we need to have a discussion today because it is the last Study Group meeting. **Bob Wieboldt** said we don't need a discreet receiving area. **Mitch Pally** said the TDR program needs to work; how we accomplish that should be our goal.

#### 4. Proposed Recommendations

- **Dr. Koppelman** asked the committee to review the list of policy recommendations distributed by **Dick Amper** last week. A rebuttal by LIBI was distributed (see website).

- Summary of Recommendations

#1 - Bob Wieboldt said the 50 year boundary is logical as a management plan and there is no reason to cross Route 25. Dr. Koppelman said contaminants from surface water flow can affect the river. Tullio Bertoli asked if we can use a different criteria north of Route 25.

#2 - Consensus.

#3 - Dr. Koppelman reminded the group this is strictly a recommendation to New York State. Peter Scully said a duplicate TDR program seems redundant and the TOB can be protected under the current program. Charlie Mancini said the current TDR program doesn't work. There was no consensus.

#4 - Consensus.

#5 - LIBI rebutted with asking government about changing government zoning. Dr. Koppelman said rezoning government land is meaningless. Jim Tripp the question needs to be asked about what happens when government de-acquires land.

#6 - No consensus - needs amended language.

#7 - No consensus - needs amended language.

#8 -

#9 -

#10 - Consensus.

#11 - Dr. Koppelman said some down zoning is better for land use. No consensus.

#12 - Dr. Koppelman said SEQRA studies cumulative impacts.

#13 - Consensus.

#14 - Dr. Koppelman said this is a recommendation to SCDHS. Dick Amper said the recommendation should be to protect river water quality and not just drinking water quality. Jim Tripp suggested automatic fines for non-compliance.

#15 - Jeff Kassner asked for more specifics and clarify the difference between enhancement and enforcement. Peter Scully said to look at the 1981 River Management Plan (see website). Proposed language: Take concrete, assertive steps to ensure compliance with existing protections already in place, including zoning code and land use restrictions, and Wild, Scenic and Recreational Rivers Act Regulations (NYCRR Part 666).

#16 - Consensus.

#17 - Consensus.

#18 - Consensus, but Dick Amper asked about benchmarks with triggers. Dr. Koppelman asked what happens when problems are discovered. Jim Tripp suggested adding "and responsive remediation plan" to the current language.

- #19 - Jeff Kassner will follow-up with Dr. Jordan.
- #20 - Consensus.
- #21 - not used - missing
- #22 - Consensus.
- #23 - Consensus.
- #24 - Dr. Koppelman asked for the toughest language possible. Jeff Kassner suggested the word "prevent" is not applicable to the recommendation. Kevin McDonald suggested adding "exceptional hardships and specific findings" to the current language.
- #25 - Consensus.

LIBI provided additional recommendations (see website).

- #1 - No consensus.
- #2 - Jim Tripp asked for a map.
- #3 - The Group agreed to look again at Tullio Bertoli's land use draft.
- #4 - Disagreement on large project definition. No consensus.
- #5 - Disagreement on medium project definition. Jim Tripp asked about a point of discharge standard. Bill Spitz said it is a property line standard, which is well modeled.
- #6 - Consensus.

## 5. Report from Technical Advisory Committee (Jeff Kassner)

- **Jeff Kassner** recapped the morning meeting with a summary of Mary Anne Taylor's presentation. He indicated that the TAC will send a peer review letter to Dr. Marilyn Jordan for her report.

## 6. Public Comment

- **Doug Swesty** asked for clarification on a proposed wastewater district, clearing limits and boundaries of the northern extension. He said triggers for violations should be adopted by the Town.
- **Karen Blumer** endorsed an incentive program for the replacement of old wastewater systems. She called for a cumulative impact statement.
- **Mike Madigan** asked how the full committee will know the decisions of the sub-committee.
- **Robert Dooley** asked for a clarification on "cautionary management."
- **Tom Talbot** asked Dr. Koppelman how this does not end up as a study on a book shelf. **Dr. Koppelman** said the committees must follow-up vigilantly.

## 7. Schedule next meeting

- Next meeting is scheduled for January 19 at 9AM in the WORK SESSION ROOM, THIRD FLOOR.

## 8. Adjourn

Prepared by Eva Greguski, TOB PELM