

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE
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ALBANY, NY 12231-0001
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KATHY HOCHUL
GOVERNOR

CEMETERY BOARD

ROBERT J. RODRIGUEZ
SECRETARY OF STATE
CHAIR

LETITIA JAMES
ATTORNEY GENERAL

JAMES V. McDONALD, M.D., M.P.H.
ACTING COMMISSIONER OF HEALTH

Cemetery Board Minutes

April 18, 2023

Department of State

One Commerce Plaza, 99 Washington Avenue, Room 1112

Albany, New York 12231

BOARD MEMBERS PRESENT:

Mark Pattison, Department of State, Chair

Thomas Fuller, Department of Health

BOARD MEMBERS ABSENT:

Jill Faber, Office of the Attorney General, participated in the meeting by videoconference but did not vote.

OTHER ATTENDEES:

Joseph Ambrose, NYS Department of State, Division of Cemeteries

Michael Catena, NYS Department of State, Division of Cemeteries

Cindi Craig, NYS Department of State, Division of Cemeteries

Charles Crane, NYS Department of State, Division of Cemeteries

John Fatato, NYS Department of State

Kerry Forezzi, NYS Department of State, Division of Cemeteries

Sarah Levin, NYS Department of State, Division of Cemeteries

Matthew LoBiondo, NYS Department of State, Division of Cemeteries

Kerry McGovern, NYS Department of State, Division of Cemeteries

Michael Morris, NYS Department of State

Lewis Polishook, NYS Department of State, Division of Cemeteries

Robert Vanderbles, NYS Department of State

Brendon Stanton, NYS Department of State, Division of Cemeteries

Steven Troutman, NYS Department of State, Division of Cemeteries

Alicia Young, NYS Department of State, Division of Cemeteries

GUESTS:

Chris Black

Brendan Boyle, Featherstonhaugh, Wiley & Clyne, for New York State Ass'n of Cemeteries

Kenneth Crowe

Nicholas DiBartolo, Mount Hope Cemetery

Pamela Doughty

Tracey Edwards

Frederick Eisenbud, Esq., Campolo, Middleton & McCormick, LLP, for Concerned Taxpayers of Wheatley Heights/Dix Hills Inc.

David Fleming, FWC, for NYSAC

Bruce Geiger, for Pinelawn Memorial Park

Ellis Giacomelli

Adam Ginsberg, Cedar Grove Cemetery

Laflorence Grant

Terry Gust
Margaret Hromada
Jay Ivler, Mount Lebanon Cemetery
Matthew Ivler, Mount Lebanon Cemetery
Damon LeGare
Alexandra Locke, Pinelawn Memorial Park
Justin Locke, Pinelawn Memorial Park
Tony Martinez, Town of Babylon
Richard J. Moylan, Green-Wood Cemetery
Loralee Reusch, Pinelawn Memorial Park
Nate Romagnola, White Haven Memorial Park
Hon. Rich Schaffer, Town of Babylon
Latesha S Walker
Cheryl Williams

Some “guests” attended solely via WebEx phone call-in; their names may not be listed above.

Note that the meeting starts at 6:44 into the video recording.

Opening Remarks

Mr. Pattison called the meeting to order at 10:31 a.m. Mr. Pattison noted that we have focused our agenda and have deferred certain other applications to our May meeting. He noted that the meeting is being recorded, asked people to mute their lines, and asked people to say who they are when speaking. Mr. Pattison noted that Jill Faber was unable to get to Albany on a timely basis; she is participating by videoconference but not voting.

23-04-A-23- Minutes of Previous Meetings

A motion was made, seconded, and unanimously adopted approving the minutes as adopted.

23-04-B-24-Legislation and Regulation

1. Pending Legislation
2. Regulations

Robert Vanderbles referred to his previously-distributed legislative report. He also indicated that he and the Division continue to work on natural organic reduction regulations and had begun work on a possible Type 2 list for cemetery board actions.

23-04-C-25-Division Report

Lewis Polishook reported that the Division would report on delegated duties at the next meeting. He mentioned that our next meeting will be at the New York State Association of Cemeteries meeting at the Crowne Plaza Albany. He also mentioned that he had visited Seattle to visit natural organic reduction facilities, and learned a lot about the process, operators, and technology.

Mr. Polishook also reported that Senior Accountant Vince Gimondo has retired and that Senior Accountant Chris Cosco is retiring next week. Cemeteries downstate and in Central New York should contact the Albany office.

Ms. Young reported that we have received a little over 1,100 annual reports, about 45% of which were submitted online.

23-04-D-26 – Vandalism, Abandonment and Monument Repair or Removal Fund Report

Ms. Young reported that the Board approved approximately \$1.6 million in hazardous monument applications in the fiscal year ending March 31, 2023.

23-04-E-27 – 52-044 – Pinelawn– Lawn Crypt

Pinelawn Memorial Park seeks to install 1,200 more lawn crypts near existing areas of lawn crypts.

After discussion, a motion was made, seconded, and unanimously adopted resolving that the review of this application is a Type 2 action for purposes of SEQRA.

After discussion, a motion was made, seconded, and unanimously adopted resolving that the Board has no objection to this addition of lawn crypts.

The discussion of this application can be found in the video recording of this meeting at 14:26-19:31.

23-04-F-28 – 52-044 - Pinelawn – Long Term Lease-Major Renovation

Pinelawn Memorial Park seeks approval of a long-term lease of just under 100 acres to a developer and approval of a major renovation for construction by the developer of a light industrial park on the site.

Three homeowners who live near the project, along with counsel to one association of homeowners and a representative of Pinelawn, addressed the Board at length in connection with this application.

After discussion, a motion was made, seconded, and unanimously adopted approving a resolution in connection with this application. A copy of this resolution, signed by the Board, is appended to these minutes and was read into the record at 58:14-1:00:16 in the video recording of this meeting.

The discussion of this application can be found in the video recording of this meeting at 19:32-1:00:48.

Public Comment

David Fleming, for the New York State Association of Cemeteries, extended NYSAC's best wishes to Vince and Chris on their retirements and efforts to help cemeteries around New York.

The next Cemetery Board meeting is scheduled for May 2, 2023, at the NYSAC meeting held at the Crowne Plaza Albany- the Desmond.

The meeting adjourned at 11:27 a.m.

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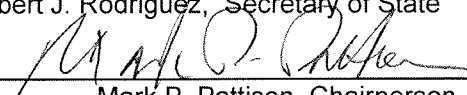
The New York State Cemetery Board (Board) has reviewed the materials submitted by Pinelawn Cemetery d/b/a Pinelawn Memorial Park and Arboretum (Pinelawn) to lease land and construct an office park pursuant to Article 15 of the Not-for-Profit Corporation Law (N-PCL) and 19 NYCRR section 201.16. The Board conducted this review in accordance with 6 NYCRR section 617.5(c)(34) to determine compliance with technical requirements and resolves that:

1. the Board's determination on this application is subject to Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), and its implementing regulations;
2. pursuant to SEQRA the Board shall participate in a coordinated review of Pinelawn's application as an involved agency with the Town of Babylon as anticipated lead agency;
3. the Board cannot make a determination on this application until completion of the SEQRA review process;
4. the Board desires to provide an unredacted copy of Pinelawn's proposal to the Town of Babylon and, pursuant to a prior Freedom of Information Law decision on appeal and Public Officers Law § 89(5), directs counsel to provide Pinelawn with the requisite ten business days to respond; and
5. subject to modifications to Pinelawn's proposal required by, and any additional information learned as a result of, the SEQRA process the Board finds that Pinelawn has thus far complied with the technical requirements of an application to lease land pursuant to N-PCL section 1506-e and undertake a major alteration pursuant to 19 NYCRR section 201.16.

NEW YORK STATE CEMETERY BOARD

Robert J. Rodriguez, Secretary of State

BY


Mark P. Pattison, Chairperson

Letitia James, Attorney General

BY

Jill F. Faber, Esq.

Dr. James V. McDonald, Acting Commissioner of Health

BY


Thomas W. Fuller



Department
of State