

COUNCIL ON ENVIRONMENTAL QUALITY
MINUTES

A regular meeting of the Suffolk County Council on Environmental Quality was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veteran Memorial Highway, Smithtown, New York on September 17, 2003.

MEMBERS PRESENT:

Theresa Elkowitz- Chairperson
Michael Kaufman
Nancy Manfredonia
Lance Mallamo
Tom Cramer

ALSO IN ATTENDANCE:

Joy Squires
Richard Martin
Jim Bagg
Leg. Vilorina-Fisher
Ralph Borkowski - SC DPW
Nick Gibbons - SC Parks
Victor Keneiby - SC DPW
Tedd Godek - SC DPW
Keith Larsen - SC DPW
Michael Scardino - SC Supreme Court
Leon Jaworowski - Cashin Associates
Catherine Stark - County Exec's Office
Aldo Marletti - Cashin Associates
Doug Sutherland - Leg. Carpenter's Office

MINUTES TAKEN AND TRANSCRIBED BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 9:40 A.M.*)

CHAIRPERSON ELKOWITZ:

We have a quorum, so I'm going to call the meeting to order. And I don't -- I don't have -- I don't personally have minutes. Does anyone have minutes from any meeting? Then I'm going to -- since Legislator Fisher isn't here, I'm going to recommend a Type II action. We'll start with the ratification of staff recommendations for resolutions laid on the table August 6th and September 16th. Jim, other than the Vector Control scope, which I noticed and Mike noticed is there anything you would like to call to the Council's attention?

MR. BAGG:

No. That's the only thing of interest. It might be pointed out that the Health Department, the Department of Public Works and the County Attorney's Office was notified that that resolution says they shall adopt the scope and that CEQ shall prepare a circulated neg dec, which --

CHAIRPERSON ELKOWITZ:

Is somebody going to modify the resolution?

MR. BAGG:

I made the recommendation, but whether or not it was modified or whatever, I don't know. But it's procedurally incorrect.

CHAIRPERSON ELKOWITZ:

Kind of makes for an interesting lawsuit for the County to lose. Does anyone have any questions of Jim? If not, I'll entertain a motion to accept staff. I have a motion by Mr. Cramer. Do I have a second? Seconded by Nancy. All those in favor? Opposed? Abstentions? Carried.

I'm just going to finish the Type IIs and then we'll go to Legislator Fisher. The second is proposed planning and revitalization of the William and Mollie Rogers Waterfront Vanderbilt Museum, Town of Huntington. I have a letter before me dated, September 4th, 2003, regarding Capital Project 7427, revitalization of William and Mollie Rogers Waterfront at Vanderbilt Museum. The Suffolk County Vanderbilt Museum is planning to perform architectural planning and engineering services for improvements to the waterfront area behind the existing sea wall of the museum. Specifically, the work involves construction of a boardwalk, an open air interpretation platform from the boat house to the sea plane hanger. Capital funds for planning necessary to develop this project are included in the 2003 Capital Budget and Program. This appears to be a Type II action pursuant to 6NYCRR Part 617C21 -- there's something missing from the citation -- since it involves conducting preliminary planning. We would appreciate CEQ's review of the project at your earliest convenience. I'm sure it's a Type II action, but I just want the right citation. I think it's 6NYCRR 617.5C21. Does anybody have any questions? I'll entertain a motion.

MR. CRAMER:

Motion.

CHAIRPERSON ELKOWITZ:
Motion for a Type II by Mr. Cramer.

MR. KAUFMAN:
Second.

CHAIRPERSON ELKOWITZ:
Seconded by Mr. Kaufman. All those in favor? Opposed?

MR. MALLAMO:
Abstain.

CHAIRPERSON ELKOWITZ:
I have an abstention. CARRIED.

Okay. Proposed alteration to the Criminal Courts Building, Capital Project 1124, Town of Southampton. I have correspondence here dated September 11th, 2003. The department is ready to proceed with the construction phase of the above referenced project and is seeking appropriation of construction funds. The department plans to make various improvements to the Cromarty Court Complex located at the County Center in Riverhead. The project provides for enhanced security and safety improvements for public and employee facilities, miscellaneous improvements for juror amenities, site improvements, card access installation and window repairs as well as replacement of worn lavatory fixtures. These improvements when completed will help to provide a safer, more functional facility for the employees and end users of the court. The department considers this a Type II action under SEQRA in accordance with the provision of 6 NYCRR. 5 1 and 2 -- I think it's C 1 and 2 -- as this action concerns replacement and rehabilitation involving no substantial changes to an existing structure or reconstruction of facility -- of a structure or facility in kind. I have a question. Just state your name for the record.

MR. BORKOWSKI:
Ralph Borkowski, landscape architect, Suffolk County Public Works.

CHAIRPERSON ELKOWITZ:
I don't have any problems with the enhanced security and safety improvements, because I assume you are just doing some interior security things, maybe some security lighting, things like that.

MR. BORKOWSKI:
Yes.

CHAIRPERSON ELKOWITZ:
Okay. The juror amenities, I assume it's all interior.

MR. BORKOWSKI:
There's a little patio in the courtyard of the building for the jurors to come out onto during break. That's part of the site improvements on here, but other than that, it's all interior.

CHAIRPERSON ELKOWITZ:
Okay. What are the site improvements?

MR. BORKOWSKI:

Basically that patio in the courtyard, and we're expanding the parking area slightly into lawn areas, existing lawn areas.

CHAIRPERSON ELKOWITZ:

Slightly means that all the site improvements you're doing are altering less than 4000 square feet of gross floor area?

MR. BORKOWSKI:

Say that again. I'm sorry.

CHAIRPERSON ELKOWITZ:

It has to be less -- all your site improvements have to be less than 4000 square feet of gross floor area for it to be a Type II action.

MR. BORKOWSKI:

Okay. I didn't do that calculation.

AUDIENCE MEMBER:

The site area is more than 4000 square feet.

CHAIRPERSON ELKOWITZ:

First of all, you have to identify yourself or the court reporter can't get you.

MR. MALLAMO:

How many parking spaces are you adding?

MR. BORKOWSKI:

We are adding approximately about 75 spaces.

CHAIRPERSON ELKOWITZ:

Well, that's more than 4000 square feet, because if you assume they are 10 by 20 or 9 by 20 or 9 by 18, it's still more than 4000. It's going to be an unlisted action. You need an EAF. As far as I'm concerned, I don't know if anybody feels any differently, like Jim, but as far as I'm concerned he can do a short EAF for this if he's only altering lawn area. Do you have a problem with that?

MR. BAGG:

No.

MR. BORKOWSKI:

Just existing lawn area.

CHAIRPERSON ELKOWITZ:

You have to do a short EAF, because if it's more than 4000 square feet that you are altering, you can't be a Type II action. Okay. Sorry. I'll entertain a motion to table.

MR. CRAMER:

Motion to table.

CHAIRPERSON ELKOWITZ:

I have a motion to table, I have a second by Nancy. All those in favor? Opposed? Abstentions? Carried. Sorry, Ralph.

MR. KAUFMAN:

His record is usually pretty good, so he can afford to lose one.

CHAIRPERSON ELKOWITZ:

I saw Legislator Fisher. Legislator Fisher, welcome. How are you?

LEG. VILORIA-FISHER:

Hello. Good to see everybody. Good morning. Vivian Viloría-Fisher. I'm here to speak with you this morning regarding a resolution that I introduced actually a few months ago, and I have been remiss in coming to speak with you about it since you are mentioned. And I thought since you are in the resolution as a body that would be given more work because of the resolution, I thought I should come here and explain to you what I'm doing. It's resolution 1553, which would require the County Department of Public Works to use LEED guidelines in any future construction or major renovations of over one million dollars. So it's for large construction -- well, not that large any more -- but significant construction or renovation.

Why have I introduced this piece of legislation? Well, many of you know that I put together a group of very qualified and professional people to work on an Energy Advisory Commission, who has by the way, made a -- presented a wonderful report. I have a draft of that. But one of the charges of that committee or task force was to hold two public hearing I attended -- actually three public hearings all together. When I attended their second public hearing, I heard several people speak about the Leadership in Energy and Environmental Design Program that has been put together by the United States Green Building Council. In it, issues of the use of energy conservation measures in building, energy efficient appliances, the orientation of buildings to make the best use of light and sun and the use of -- the reuse of brown fields rather than using pristine lands for building. All of these were very compelling to me. And I felt that it would be very helpful to us as a County to codify in legislation a program that would forward this kind of approach to building that would lead to energy conservation and the use of alternative energy, renewable resources.

When I read and researched more about LEED, I met with the Department of Public Works and spoke with Charlie Bartha and several other people from the Department of Public Works regarding using LEED certification. Because the certification process might slow down the planning of buildings and moving forward with construction projects, the legislation that I introduced does not require LEED certification.

What it's looking for is for buildings to be LEED certifiable, which means that they would be able to reach a threshold of 32 points. I'm going to give you something that would explain that a little better. I'm trying not to be here forever, and it's a little bit of a complicated program, so jumping from one thing to another. If I'm not clear, just stop me at any time. I'm going to give you something that outlines the point system.

While that's being passed out, Jim was at an ELAP committee meeting one day when we were talking about whether or not CEQ had looked at whether or not a Department of Public Work's project was using -- was using energy efficient -- energy efficiency techniques in a project

that they had had. And if I recall, Jim, we had said that CEQ hadn't looked at that. We tabled it and then the project came back and we took a closer look at that. I wanted to formalize how that is done. That's another reason why I introduced this legislation. This is kind of a cheat sheet here where you have an outline of the types of areas where points can be gained. The total number of possible points is 69, you can see at the bottom of the tally. The legislation that I introduced is asking for 32 points. And you can see that there are a variety of ways in which points can be earned; materials and resources, the building we use, construction, waste management recycling, indoor environment ventilation systems. There are a number of other areas, for example, locating a building near public transportation or with access to public transportation. Just a great number of areas where these points can be accumulated. So I wanted to just present this kind of in a perfunctory way today so that you could have some idea of what it is.

If you wish, I can provide the LEED certification manual to you. I can try to get them and give you copies, but they are rather thick, and I didn't want to just spin out a lot of paper. I just wanted to give you a concept of where we were going with this. Right now, the legislation is in committee. I have met with Richie Kessel from LIPA who has indicated that he would be -- that he is very excited about partnering with the Department of Public Works on this. And so I've planned a meeting with Mr. Kessel and with Charlie Bartha, Joe Schroeder from our Budget Review, who is our energy person and several other players in this so that we can work out how best to accomplish this. Some of the concerns have been that it might slow down construction or be more expensive in construction. Richie Kessel and the technical team that he brought to the meeting with me had represented that the cost would be balanced out by the maintenance and operation of buildings that constructed along the LEED guidelines. And I think that those will become clearer when we have the meeting. It's a roundtable meeting with an exchange of ideas. So as I said, right now the legislation is in committee. And I hope that after our meeting and hopefully a meeting of the minds we will be able to move forward with the legislation.

CHAIRPERSON ELKOWITZ:

So your goal then is to have DPW required to -- when they bring a project whether it be to CEQ or whoever ultimately reviews that, they would have to bring one of these sheets or sheets similar thereto to certify and to explain how it's LEED compliant?

LEG. VILORIA-FISHER:

Yes. This would be something that CEQ would have in your packet along with a major construction packet that they have achieved the 32 points of LEED certifiable standards.

CHAIRPERSON ELKOWITZ:

Thank you. Does anybody have any questions?

MS. MANFREDONIA

yes. Can I ask -- I notice in your resolution it wants to -- wants to encourage many things, but reducing light pollution is one of them. My question -- because we've been very aware of that on CEQ trying to

be dark sky compliant -- but would that be -- I know there's many issues here, but how would we know that that particular issue was taken care, because with your point system, it appears that some of these things could be left out and others left in?

LEG. VILORIA-FISHER:

You are right. Some of the things would be left out. In DPW's presentation of what their plan for construction is, they would have something similar to this and you would see a checkoff; they've done this, they haven't done that, and that way you would have right in front of you which of the elements have -- with which elements they have complied and which haven't. Because not of all the items covered are doable with every project, and we don't to create an artificial impediment to building. We want to be realistic, we want to give them guidelines to make the most efficient and energy conservation building possible with respect to the environment, but when it's not possible, we understand that. And that's why I'm only asking for the threshold to be reached of 32 points. If something -- but on the other hand, Nancy, won't it be good for you to have this check list in front of you, and if you are really interested in light pollution, if that's something that you really care a lot about, in every major project you could see whether or not that's being done. Then you can query the architect or whoever comes before you as to why that hasn't been achieved in that particular project.

MS. MANFREDONIA:

No. I think this is a wonderful idea, and I commend you for introducing the legislation. I guess my concern is that particular issue probably should the DPW -- I would appreciate seeing them do that no matter what, you know, to make the sure that the light pollution issue is addressed.

LEG. VILORIA-FISHER:

So when they came before you if you didn't see that checkoff, you could say, well, why hasn't it been done on this project. And there could be very good reasons why they need different types of lighting or they can't accomplish the mitigation of light pollution that you would want. But this gives you an opportunity to have -- see, what I feel is that DPW has been doing the work on energy conservation. However, I have seen it as rather anecdotal. We don't have a formalized check list to say, in this project, this is what has been done, and this is what has not been done. And I feel as our committee for -- that's overseeing so much of what's going on environmentally in Suffolk County, you and the Legislature as -- you know, the Legislature is the SEQRA -- the lead agency regarding SEQRA, we should all have some kind of codified method of looking at this. And this is why I've introduced this.

MS. MANFREDONIA:

Thank you.

MR. MALLAMO:

Just to get back to your comments, I think it still behooves us to ask the question, what kind of light fixture are you using? What type of window are you using?

CHAIRPERSON ELKOWITZ:

But this does not in any way absolve us of the responsibility of SEQRA compliance. That's one of the issues we always ask about.

MR. MALLAMO:

Right. Absolutely. But I think if we did have this, it would put us in a more proactive stance. I think that what happened last time, and correct me if I'm wrong, the project we were analyzing; what's the impact on the environment, not how can we enhance environmental quality.

LEG. VILORIA-FISHER:

You know, Lance, you really hit the nail on the head. We're looking at being proactive. We're so reactive environmentally in so many ways, let's look at the building from its planning stage and see what we can do to make it environmentally friendly building.

MR. MALLAMO:

I know -- I think it's Irvine, California where all buildings -- it's Irvine or Davis, one of those cities, homes and everything have to meet this. This is part of the city code.

LEG. VILORIA-FISHER:

Actually, Executive Order 111 of Governor Pataki is looking for all state buildings to use the guidelines to strive for certification level. So it's not -- we're not ahead of the curve, we're right there with, I believe what most municipalities are trying to achieve.

MR. CRAMER:

I have one question.

LEG. VILORIA-FISHER:

Sure, Tom.

MR. CRAMER:

You mentioned 32 points you would be looking to achieve?

LEG. VILORIA-FISHER:

Yes.

MR. CRAMER:

I didn't see that anywhere in the resolution, maybe I missed it.

LEG. VILORIA-FISHER:

I believe I said certifiable. In order to be certifiable, you have to reach 32 points. On the bottom it says 26 to 32, but I think that might be an earlier version. We just pulled this out so you can have an idea.

MR. CRAMER:

So it would be -- on the bottom it shows four different categories; certified, silver, gold and platinum. In the resolution it talks about being certified as silver, gold or platinum. So you are discounting the certified?

LEG. VILORIA-FISHER:

No. In the resolution -- I'm sorry, I don't have the resolution.

MR. CRAMER:

It reads in the third resolve, that the Capital Project shall be ranked in accordance with the certified silver, gold -- silver comma gold and platinum ranking system. It seems to leave out just a regular certified project.

MR. BAGG:

Terry.

CHAIRPERSON ELKOWITZ:

Yes, Jim.

MR. BAGG:

If I might make a comment here. The resolution that was put in your packet was the one we received. We go not receive any corrected resolutions from the Legislature or any updated resolutions. So we don't have any corrected copies here.

LEG. VILORIA-FISHER:

You don't have the corrected copy.

MR. CRAMER:

But it's your intent to have all four -- the ability to be certified under all four of the categories.

LEG. VILORIA-FISHER:

If you look at the fourth resolve -- no. No. If you look at the fourth resolve, resolve that no appropriation for construction may be made for a Capital Project covered by this resolution unless it receives a certified in quotes ranking under the project check list.

MR. CRAMER:

Okay. So whatever that's certified is on the new check list whether it be 26 to 32 or 32. So whatever it is --

LEG. VILORIA-FISHER:

So we're looking at the threshold being the lowest level of qualifications or certifiable. It's very difficult. Even the sole air project in Battery Park did not reach platinum. You know, the big Battery Park LEED project, they did not reach platinum. By the way, if any of ever has an opportunity to go down there, it's absolutely remarkable what they've done with the use gray water and the stormwater, their roof, the use of the thermal heat on the roof. It's just phenomenal what they've done there. But they didn't reach platinum because of the different requirements for apartment buildings and, you know, the permit process for apartments is different from commercial. But they did reach the gold level.

MR. CRAMER:

Probably a landscape architect designed it.

CHAIRPERSON ELKOWITZ:

Yes, Jim.

MR. BAGG:

I have a question with respect to this form. It says here that you have to have, you're saying, 32 points to be certifiable. There's only 32 points in this form. I mean --

LEG. VILORIA-FISHER:

We didn't give you the whole thing. That's why I mentioned to you that this was just to give you an idea what was on it. We mentioned other things that weren't on it, for example, I said the use of alternative energy, renewable resources, the use of, you know, different woods that are easily renewable as opposed to woods that that would take longer to regenerate. So this was to give you an idea of what it looked like. If you look at the bottom --

MR. BAGG:

All right. So there's complete check list.

LEG. VILORIA-FISHER:

Jim, the bottom of the check list on the right, it says 69 possible points. That's not bad arithmetic, it's just that I didn't give you all of it. It was just to give you idea of what it looked like.

MR. BAGG:

So there's a complete check list that's available to DPW and how many points would be applied for each thing if they comply with it.

LEG. VILORIA-FISHER:

Absolutely. Yes.

CHAIRPERSON ELKOWITZ:

Any other questions?

MR. KAUFMAN:

Legislator Fisher, in Suffolk County how many one million dollar project concerning renovation are there on say an average year, do you have any idea?

LEG. VILORIA-FISHER:

I don't know.

MR. KAUFMAN:

Because the reason I'm asking that is the way the resolution reads, it's any new construction over one million is covered by the LEED project and any planning of renovation which requires expenditure of a million or more also would fall under this resolution. So I'm just curious how many buildings we actually would be dealing with.

LEG. VILORIA-FISHER:

I think that would be a question for DPW. And -- because I don't know right off the top of my head how many there are. But as I said, with the cost the construction, it's probably more. You know, that's not really that huge a project. One million dollars project. I mean, we have a jail that we just voted on last night which is quite a few millions of dollars.

MR. CRAMER:

That brings up another question. What -- what would be considered new construction? Would it be going in and renovating a building, you know, that new work is being done to it or is it totally new construction from the foundation up?

LEG. VILORIA-FISHER:

If the new work -- actually the legislation refers to the construction or renovation of over a million dollars. So if it's major renovation, we want that renovation to be done.

CHAIRPERSON ELKOWITZ:

But it might be major. We just heard this thing that we tabled. Now, I don't know that's that a million dollars worth of work, but I think we do know, even those of us home renovations of our own homes that a million dollars ends up not being a lot of money when you are on a commercial building. But do you really expect that it would be feasible for a building such as the one that we've discussed to make that entire building LEED complaint based upon those -- what are relatively minor things they are doing to it?

LEG. VILORIA-FISHER:

Well, the work they are doing on the minor part of it, for example, if you look at the renovation of this building, which was a lot more than minor renovations, I think that there were many elements that were put into the renovation of this building where they did try to make it more energy efficient. There was some fuel cell technology that was incorporated here, so that would have give quite a number of points. They did put lights that, you know, respond to some of the movement in and out of the bathrooms, for example. So in the new part of energy efficient, light fixtures, using carpeting that doesn't have the glues on the carpeting that is not, you know -- that doesn't have the out gasses from the toxins and the paints. So in that renovation, I think you can achieve the points. You can have windows that are ventable, that wasn't done in this building.

CHAIRPERSON ELKOWITZ:

But that's what I'm trying to ask you. It relates to only the area that you are renovating, not the entire building.

LEG. VILORIA-FISHER:

Not the entire building, only the area. And if that's not clear in the resolution, that's part of the reason why we're meeting again, to make sure that it's very clear in the resolution. There were a couple of other things that I have to clean up a little bit more; the prioritization, DPW is having a problem with that, with the clarity of that language. So it's still a work in progress. That's why I'm also bringing it to you, so that you can have the resolution on your radar screen and see if it's something that's workable for you. And if anybody -- Jim I'll say this through you -- if anybody wants a copy of the whole thing, I can probably get it to them through your office.

MR. BAGG:

Yes. If you send it over, we'd be glad to distribute it to members.

CHAIRPERSON ELKOWITZ:

I think that there should be one in the CEQ Office. That way if anybody wants it, they can go look at it, take copies, whatever it is.

But to send nine of them I think is silly.

LEG. VILORIA-FISHER:

I wasn't planning on it.

CHAIRPERSON ELKOWITZ:

Just send one to Jim.

LEG. VILORIA-FISHER:

Okay.

MR. MALLAMO:

Can I just ask another question?

LEG. VILORIA-FISHER:

Sure, Lance.

MR. MALLAMO:

And believe me, I think this is a great idea. I'm just trying to, like, anticipate the future and what's the -- what's the potential problem that could come up. I'll throw out an example that we had nothing to do with, I don't believe, but I probably would have looked at this project that was built differently, and I suspect it has many energy efficient elements in this that would be built, and that's the new court house off the Southern State Parkway. A lot of us in the past have made the issue up that the parkway's a historic resource of Long Island and its viewsheds should be protected, etcetera. I don't personally believe that fits in very well in that environment. But if we had a situation like that, does that take precedence over the aesthetic issues that we may entertain here that at a location that might have a much more aesthetic impact than -- would the energy improvements override that consideration? You understand what I'm saying? Am I phrasing that correctly?

LEG. VILORIA-FISHER:

You know, Lance, I'm thinking about whether or not that's addressed anywhere in the LEED guidelines. I'll go back and look through it, but I think it's certainly up to CEQ to continue to scrutinize all of the elements that are important to us environmentally.

MR. MALLAMO:

And I agree with that, but are we being put in a position where you have to --

CHAIRPERSON ELKOWITZ:

Yes, you are. Because you have a resolve clause that says that no Capital Project shall be implemented prior to the implementation of a Capital Project which has a higher priority ranking under the ranking system that's been established by the third resolve clause. So the way I'm reading this, unless you reach your points 26 points, 32 points, whatever the points are, they can't do it.

LEG. VILORIA-FISHER:

Right, they can't do it, but it doesn't mean you can't look at other things.

CHAIRPERSON ELKOWITZ:

No. But I think, Legislator Fisher, what -- what Lance is saying, which is kind of where I was going with the prior, if we have an historic building where the things that would make it LEED compliant would alter the historic integrity, your legislation says it has to be LEED compliant. So I think that it might be worth considering that if you are preserving historic integrity, there may be maybe it's a variance procedure before the Legislature, maybe it's a variance procedure in DPW, but some sort of a procedure wherein if you have that conflict, you're not forcing the County to cause an adverse historic impact, because then we're going to get into, we're having an adverse impact, they have to do an EIS, but they can't mitigate it because there are a law on the books that says you have to do so and so. And it will put DPW in a terrible position.

MR. MALLAMO:

That's my fear. Terry, I'll take it one step further. I just don't think it's on that site, because in the case of the example I'm referring to, that was contiguous to. And I don't -- I don't know, but I suspect, nobody ever looked at that. Knob ever looked, what's the impact on this building on the viewshed from the parkway. And, you know, in a highly dense area there, it's remarkable how rural it looks until you come around that bend and this thing, like, just clobbers you over the head. That's the kind of thing I would like to --

CHAIRPERSON ELKOWITZ:

Although you and Terry are addressing two different issues as I see it, because you are addressing an issue of something that's built that is contrary to the -- to the environment, to the surroundings, okay, that building which really sticks out like a sore thumb. And what Terry is referring to something that's historic that is built that is in accordance with what the historical look of that area is. And we don't want to create because of LEED a change in the -- in the historical environment. So you are coming from two different places, but I'll make note of it.

CHAIRPERSON ELKOWITZ:

I see less of a problem with your concern.

LEG. VILORIA-FISHER:

So do I.

CHAIRPERSON ELKOWITZ:

Because I think that part of the whole SEQRA process and everything we do is balancing is concern things. I mean, I remember Nancy and I having a real discussion about an old tree in Ronkonkoma that somebody wanted to come down because of, you know, a real, what I believed and some other people here believed, was a real safety hazard because of accidents. And I think what we did was we tried as best we could, we didn't all agree, but we tried to balance what we had to do. But in an historic building, I find a conflict that we might not be able to

fix unless there's a change in the legislation.

MR. KAUFMAN:

I agree with you very much on that, Terry. I think that there really needs to be an exception for historic buildings whether they're in the history trust or with some sort of designation.

CHAIRPERSON ELKOWITZ:

Or a mechanism for an exception.

MR. KAUFMAN:

That worries me though with having a mechanism. That almost, if you will, allows political aspects to draw into a discussion of the historic integrity, and that's something that I'm hesitant to allow. I think that there almost should be a broadbanded straight exception that it just doesn't apply.

LEG. VILORIA-FISHER:

But then I think you do need a discussion, Michael, as to what makes something an historic building and are you going to have -- I mean --

CHAIRPERSON ELKOWITZ:

Well, trying to talk -- I'm at least talking about buildings that are historic because they are already recognized as historic, not that somebody comes here and says, it's an old building, I don't want to comply.

LEG. VILORIA-FISHER:

Because, you know, I'm seeing the political banding that's going about with the Cottages at West Meadow, and you know, are they historic, are they not historic and all -- and, you know, you could run into that kind of problem. On the other hand, you won't want to impose something on a building that --

CHAIRPERSON ELKOWITZ:

Right. But I'm talking about a real historic buildings that's, you know, on the National Register or eligible for the National or State Register that's in the historic trust, something that has been recognized through a process that the general populace recognizes as the way to make a building.

MR. MALLAMO:

And I think out particular case, unlike your West Meadow situation that I'm aware of, the Legislature is really designating the historic buildings here other than the National Register. The ones in the County Historic Trust, the Legislature makes that decision. So that's a lot cleaner than what this is trying to do. I think many times historic buildings can meet that. A lot of them inherently were built to meet it originally because they didn't have central heating, so they built houses to face the right direction and plant the trees on the north side and did those things.

CHAIRPERSON ELKOWITZ:

Right. But there may be certain renovations that could never get to 26 or 32 points, and that concerns me that you are creating an inherent conflict.

LEG. VILORIA-FISHER:

That's a very good point. That's a point well taken. And as I said, it's not written in stone yet.

CHAIRPERSON ELKOWITZ:

I understand. Any other questions? I'd like to call this and get on with the agenda unless anybody has any specific questions. Thank you, Legislator Fisher.

LEG. VILORIA-FISHER:

Okay. Thank you.

CHAIRPERSON ELKOWITZ:

Now we get to something topical. The proposed demolition of the Old Cornell Cooperative Extension Building, CP 1768, Town of Riverhead. Good morning, how are you?

MR. LARSEN:

Good morning, everyone. My name is Keith Larsen, I'm one of the architects with DPW assigned to this project as well as the Griffing Avenue Court Complex. And because they are somewhat intertwined, I'm here to today to present our case for the demolition of the existing co-op building. As you know, the existing building right now is vacant, the occupants having moved up to the new facility up the street. Right now the site is being used for some overload parking for the courts. We feel that with the expansion of the courts, which will start as of the end of this year, there's a critical need for parking in the general area of the court house.

We've done our own parking calculations on this. Based on studies that have been done in the past, which I have copies of the other studies done by the Melito Group and Ehasz Giacalone and the Baldassano Group, who are the present architects on the project. Based on the actual size of the facility that we've designed, we're coming up with a need for 975 spaces, which shown on the parking needs calculation that I passed out. As part of the -- as part of the solution to the parking out there, it was agreed by the Town of Riverhead that they would provide 600 spaces, and these 600 spaces are not dedicated per se to the courts, but are for general municipal use.

Those spaces being within a quarter mile of the facility. We feel that because those actual spaces are not completely defined yet and are very inconvenient to the courts, that we feel it's very important that we use this site for parking. And we are not gaining only 15 spaces due to the demolition of the actual building, but we are actually gaining the whole lot of 132 spaces, which is illustrated in one of the handouts that was given out. These 132 spaces could help satisfy the shortfall of 200 spaces presently projected.

We have spoken with the Town of Riverhead, they are committed to providing these 600 spaces. If you look at the color handout, the area in green has been acquired by the Town of Riverhead, and they've agreed to provide interim parking on that parcel, which is on the north side of Court Street and south side of Railroad Street. I have with me today two members from Cashin Associates who did the original parking scenario studies for the Town of Riverhead, Mr. Leon Jaworowski and Mr. Aldo Marletti. And I also have in support of our

actions Mr. Mike Scardino on the far end who is the Chief Clerk for the Riverhead Courts. And they are here to offer expertise and answer any questions you might have.

We don't know -- I should say the Town of Riverhead is working on acquiring other properties at the present time. I spoke with Ken {Testa}, he's the town engineer. And although they are committed, if you look on the map, the other lots that are currently available are on the outer edges of the quarter mile radius, which is several blocks from the actual court house. This is going to wreak havoc with the first-time jurors, litigants coming to the courts and having to find a parking space. Again, getting back to the location of this lot, we feel it's imperative to use this lot to its full potential. And we have looked at renovation costs to completely redo the building, which it would be in need of. And we're projecting about \$3.2 million based on other types of renovations we've done recently. The building has asbestos issues, it has structural issues, it's in need of everything. And the actual net office area that we can possibly gain out of this 15 or 16,000 square foot building is only about 8600 square feet. So we feel it's economically unfeasible to renovate this building. It would be better suited as parking.

I also had stated at the last CEQ meeting regarding the Griffing Avenue Courts that the courts have no need for this building. We've already designed the court complex. It would kind of defeat the purpose to segregate their functions to another building. To my knowledge, no other user groups who intend on using this building. I do it's on the historic -- it's eligible for historic landmark status with the state. And although, you know, we certainly respect historic preservation, in our case we feel that there's a greater need for the overall parking in light of the expansion and the situation in the immediate area surrounding the court house. If anybody else wants to offer anything.

CHAIRPERSON ELKOWITZ:

I don't know -- I don't know how often -- I know Ralph comes here quite a bit, and I don't know how often you come here, but we have one charge. And that charge isn't to agree with you or disagree with you as to whether or not it is financially feasible for you to adaptively reuse this building or not. Our charge is solely to make a recommendation to the Legislature and the County Executive regarding pursuant to the SEQRA regulations, which are pretty clear, whether or not this project has a potential significant adverse impact on the environment. And in the regulations, the environment includes properties that are eligible for listing to the State National Register.

So inherently -- I'm not speaking -- I'm not speaking for everybody, but I probably -- I probably know the regs better than anybody else here. From my perspective, I have no choice based on the law but to recommend to the Legislature a pos dec on this because -- and I can read you the language if you want -- but basically what it says is if a project -- if a proposed action -- which the demolition and the creation of the parking is, it's an action -- may have a significant adverse impact on one or more elements of the environment, and one of them a historic resources that are defined -- I don't know if you know

this, I'm sure Lance and Richard can explain this to you much better than I, but resources that are eligible are treated the same as resources that are listed.

So I don't even -- I don't think that we have a choice, we don't have a choice here. And your discussion really is with the Legislature, because they're the ones who get to decide whether or not the economics -- because you get -- in the end when you do a findings statement, that's where a lead agency, which would be the Legislature, I assume -- gets to weigh and balance the social and economic against the environmental. But here to me this is black and white, I don't think that we even have an option.

MR. MALLAMO:

That's how I understand it.

CHAIRPERSON ELKOWITZ:

I'll read you the language just because I don't -- I don't have a personal predisposition about this. As someone who goes to Riverhead quite a bit and has noticed the parking demands, I don't have any doubt about the parking calculations, I don't have any doubt about any of it. But my charge is so narrow, I can't help you. Let me read to you what the criteria are, to determine whether a proposed Type I, which this is, or unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in the subdivision. The following list is illustrative, not exhausted. And you get down here and it says, the impairment of the character or quality of important or historical, archeological, architectural or aesthetic resources or of existing community or neighbor character. Certainly the demolition of a building that's eligible for listing on the National and State Register would qualify as an impairment. So I don't know that we have any choice.

MR. LARSEN:

I understand. Technically, you know, these are the actions you have to take. I'm just trying to basically make everybody understand that there is a critical need and that, you know, if that can somehow supercede anything else, you know, I'm trying to make a point.

CHAIRPERSON ELKOWITZ:

It can. It can. If after you go through the process the Legislature makes the determination that the social and economic concerns outweigh the impact of the knocking down and losing this historic resource, and they can do that, but they have to go through the process to do it.

MR. LARSEN:

Okay. I understand.

CHAIRPERSON ELKOWITZ:

So unless -- unless somebody feels the need to beat this, I'll just entertain a motion.

MR. KAUFMAN:

Motion.

CHAIRPERSON ELKOWITZ:
I have a motion by, Mr. Kaufman.

MR. KAUFMAN:
I believe that this is a Type I action, and I would recommend a positive declaration be made.

CHAIRPERSON ELKOWITZ:
I have a second by Mr. Cramer. All those in favor? Opposed? Abstentions? CARRIED. I'm sorry.

CHAIRPERSON ELKOWITZ:
Proposed improvements to CR 76, Townline Road at Hoffman Lane, Phase II, CP 5497, Towns of Islip and Smithtown. Hello, how are you?

MR. KENEIBY:
Good. Hello, good morning. My name Victor Keneiby, I'm with the Suffolk County Department of Public Works. Okay. This project names improvements to County Road 76, Townline Road at Hoffman Lane. The problem with this intersection is the tight radii and limited sight distance. What we're basically doing here is increasing the radii and taking some corner properties and resurfacing the entire section as well as putting new curbs on sidewalks. It's a very simple project.

CHAIRPERSON ELKOWITZ:
Are you removing any vegetation as part of this?

MR. KENEIBY:
Probably some trimming of tree branches on the southwest corner.

CHAIRPERSON ELKOWITZ:
Any questions?

MR. KAUFMAN:
I know -- I know this corner. I've passed by this a number of times. This is not really a very major environmental impact. I mean, I think the landfill in the area does a lot more.

CHAIRPERSON ELKOWITZ:
Then I'll take a recommendation.

MR. KAUFMAN:
This looks like to me an unlisted negative declaration.

CHAIRPERSON ELKOWITZ:
I have a motion, I have second. All those in favor? Opposed? Abstentions? CARRIED.

MR. BAGG:
Terry, who was the second?

CHAIRPERSON ELKOWITZ:
Mr. Cramer. It's been the Mike and Tom show today. Okay. Proposed safety improvements on CR 50, Union Boulevard @ CR 82, Higbie Lane, CP 3301, Town of Islip.

MR. KENEIBY:

You just introduced the project. The problem with this intersection is it operates at a poor level of service and a high accident rate.

CHAIRPERSON ELKOWITZ:

How poor?

MR. KENEIBY:

The accidents or the level of service?

CHAIRPERSON ELKOWITZ:

No, the level of service.

MR. KENEIBY:

The existing level of services right now in the a.m. is C and the p.m. is E.

CHAIRPERSON ELKOWITZ:

Poor. Keep going.

MR. KENEIBY:

Okay. What we are proposing to do here in this intersection is to add a through lane on the eastbound County Road 50 and a dual left turn on the southbound of CR 82.

CHAIRPERSON ELKOWITZ:

And you are doing -- taking here too?

MR. KENEIBY:

Yes. We're taking approximately ten foot strips on three corners.

CHAIRPERSON ELKOWITZ:

Does anybody have any questions?

MR. KAUFMAN:

Is there going to be any impact on any businesses over there from those takings?

MR. KENEIBY:

Not -- we don't really see any major impact. Pretty much we own this property right here, and we're just going to take approximately ten feet here. It's not going to effect any parking to these businesses as you can see.

CHAIRPERSON ELKOWITZ:

Okay. What about the northwest, it's going to effect some parking over there, no?

MR. KENEIBY:

Most of the parking on the northwest is in here actually. We're just only taking around here.

MR. CRAMER:

What is that?

MR. KENEIBY:

This was -- this is a bank. In here, there's a bank, in here is some type of business. I don't know what it is.

CHAIRPERSON ELKOWITZ:

The way they are all stacked up, you can't see.

MR. SUTHERLAND:

Can I say something?

CHAIRPERSON ELKOWITZ:

After he's through, sure.

MR. KENEIBY:

Do you know what it is?

CHAIRPERSON ELKOWITZ:

Well, let's wait until he's done, then we'll call you up.

MS. MANFREDONIA:

Do you have plans on any one of these -- of the intersections possibly on the southeast to do any additional landscaping or on the southwest.

MR. KENEIBY:

Probably street-type trees, you know, we can add in the sidewalk section.

MS. MANFREDONIA:

Okay. That would be great.

MR. KENEIBY:

Yeah, because probably we have to move a couple of trees.

MS. MANFREDONIA:

You own that property, so you wouldn't have problems putting some additional trees there.

MR. KENEIBY:

Not at all.

CHAIRPERSON ELKOWITZ:

Is there someone that wants to speak on this?

MR. SUTHERLAND:

Hi. I'm Doug Sutherland from Legislator Angie Carpenter's office. It's our district, and as a matter of fact, our office is about a half mile of north of this. It's a very hazardous corner to begin with, but just so you know on the northwest corner that an auto body shop that's very, very busy, it's not a bank. Parking is a problem for him now. They are not aware of this project. The businesses have not been informed yet, just so you know that. The south building is a 7-11 on the southwest corner, which looks like -- I believe ten feet is being taken from then. There's an entrance from that building that is a high accident location. That entrance coming out on to County Road 50, it's sort of a blind exit and it is now, and ten more feet I'm just -- we're concerned in the neighborhood, we've been concerned

about that property for quite some time. I mean, obviously it's something we have to discuss with DPW, but I just wanted to make you aware of what the businesses were.

CHAIRPERSON ELKOWITZ:

Is Legislator Carpenter concerned about the environmental impact of this project, or is she concerned about the issues with these particular businesses?

MR. SUTHERLAND:

She's concerned about the issues with the particular businesses and the safety of the intersection.

CHAIRPERSON ELKOWITZ:

Okay. Thank you.

CHAIRPERSON ELKOWITZ:

Anybody have any other questions? Anybody have a motion?

MR. CRAMER:

I make a motion unlisted neg dec.

CHAIRPERSON ELKOWITZ:

I have a motion, do I have a second?

MR. KAUFMAN:

I'll second.

CHAIRPERSON ELKOWITZ:

I have a second. All those in favor? Opposed? Abstentions?

CARRIED. Thank you.

MR. KENEIBY:

Thank you.

CHAIRPERSON ELKOWITZ:

Any other business. Historic services.

MR. MARTIN:

Good morning. Today I'd just like to report on the successful summer that we had with the Youth Conservation Corps Program from the Suffolk County Labor Department. That's essentially our labor and maintenance staff at our historic sites. I just wanted to give an update on that program as we're coming to the end of the summer. The group actually went ahead and painted the Suffolk County Police Museum on the corner of Yaphank Avenue and Main Street in Yaphank. As a result of that successful job, we moved them next door to the Hawkins house. They completed the first floor of the Hawkins house including the elaborate Italianate front porch. Then we in a sense shamed the Parks Department into going in and painting the second floor. Because the Labor Department crews are not allowed to go up on ladders.

MR. KAUFMAN:

Aren't you a member of the Parks Department?

MR. MARTIN:

Yes. I'm speaking the truth. So we have now completed the second floor of the parks -- of the Hawkins house, and they are working to finish the cupola and also a number of carpentry repairs to the front porch. So that house will be completed in a couple of weeks.

MR. KAUFMAN:

Didn't we meet once at the Hawkins house a long time ago?

MR. MARTIN:

Yes. Across the street, the Homan house, which is just boarded up at this time, the crew removed all the vegetation around the building. So we can start doing some work on that building. And when they completed that task, they moved to the Farmingville School House on Portion Road, cleaned out the of that structure and painted the exterior and then was opened up for the School House Association a couple of weeks ago. We also have a crew working over at Blydenburgh County Park doing landscape work and painting and repairing the fencing at that site, and that's an ongoing project. They also have been working at Sagtikos Manor replacing -- repairing the fence along Montauk Highway, removing a lot of the vines and the wall garden and a number of other landscape items. They've just been great help, and I think at some point deserve some recognition.

CHAIRPERSON ELKOWITZ:

Where they as happy as you were?

MR. MARTIN:

Yes.

CHAIRPERSON ELKOWITZ:

You know what, what you said is true. You know, maybe there's a way to get them some recognition from the Commissioner or from the Legislature or something, because it's so unusual for us to hear stuff like that.

MR. MARTIN:

And they are very happy to work on our projects, because they are happy, because they see a real result rather than just picking up papers along the highway. That's what they would be doing otherwise.

CHAIRPERSON ELKOWITZ:

Do you thing it's something the Commissioner will be willing to do with the Legislature, try to recognize these kids?

MR. MARTIN:

I think she would. I'll recommend that. Okay. Great. Jim, could we do that, could we write a letter to the Presiding Officer encouraging -- maybe you could work with Richard to write the letter -- encouraging that the Legislature recognizes these kids with proclamations or something at a Legislative meeting?

MR. BAGG:

That's fine. Rich, if you can come up with something. Okay. Great.

CHAIRPERSON ELKOWITZ:

Yes, Mike.

MR. KAUFMAN:

Can I ask a couple questions on some other historic matters?

MR. MARTIN:

Sure.

MR. KAUFMAN:

What's going on with the mill over at Blydenburgh?

MR. MARTIN:

With the mill?

MR. KAUFMAN:

Yeah.

MR. MARTIN:

Okay. We have -- the plans are ready and they just have to go out to bid. And that will probably happen within the next month. The package would get ready and that would go out to bid. That's just for the framing repairs for the building, not to install the mill work. They still need additional funds to do that, but we need to use up old money in the Capital Fund before we can go ahead with that.

MR. KAUFMAN:

Okay. Also, what's the story with Sagtikos? Have there been any funds appropriated to do any kind of renovation aside from what we've previously talked about?

MR. MARTIN:

Well, there's 50,000 in the budget, which is earmarked toward installing the heat in the main building. The estimate -- the preliminary estimate came in at 76,000, so we do need some additional monies to do that job. And Legislator Angie Carpenter procured another hundred thousand dollars that will be available in 2004.

MR. KAUFMAN:

Okay. So basically we're not really looking at heat in there until maybe spring time if everything works out right.

MR. MARTIN:

Probably.

MR. KAUFMAN:

Okay. One other thing. We were -- it was handed out, the Stimpson House pictures. And I happened to go by there before these pictures were sent to us a couple of -- about two weeks ago. And I was stunned at the quality of the work that was done over there. I know, Rich, you had overseen a fair amount of it. I went through both the outside and the inside, and I was -- very, very good renovations.

MR. MARTIN:

And just that everybody understands, that's done by the Friend for Long Island Heritage crew, which they -- a full time staff which work

on the restoration of the buildings. This building, of course, had a lot of attention paid to it since it is on the National Register and it is a dedicated historic building to the County. So a new wood roof was put on that building and extensive interior renovations. And they -- the Oakley House, you know, a similar job was done by the same crew, and they've done that with -- the timing is what's important here. The last tenant moved out so they jumped on the possibility to get in their and do all that work before the tenant moved in. But it does show the quality, you know, that that crew can do.

CHAIRPERSON ELKOWITZ:

Any other questions? I know we have a CAC announcement.

MS. SQUIRES:

Conference on the environment, October 3rd through the 5th. The theme is sustainable living with renewable energy. It's for the first time being held in Buffalo and Erie County. When we did in '97 the conference on Long Island we thought people aren't going to come to Long Island, we did a whole big thing about Long Island is not the end of the world, don't be afraid of New York City and all that kind of stuff. Now, you know, I'm saying the same thing in my president's messages in regard to Buffalo is not the end of the world either, and it would be nice to go and see what they're doing. And it's an interesting program because there's -- the key note speaker is William Flynn from NYSERDA. And there's going to be a lot of talking about solar design and renewable energy and the workshops will be all focused, and there will be tours, and there will be vehicles to look at and things of this nature.

And I'll bring back anything that might translate here. Buffalo is an interesting city because, of course, it's had its troubles, it has economic troubles, tremendous governmental troubles. But the Erie County and Niagara County Chamber of Commerces are doing, you know, big help with this and backing and providing the materials. So as our Legislature helped us, this is an interesting procedure. So if there's anything specific you would like me to bring back. I have, of course, as Terry has, brochures if anything wants them. You all have them. Okay.

CHAIRPERSON ELKOWITZ:

Anybody have any other questions? Let's let the stenographer go.

MR. CRAMER:

I make a motion.

CHAIRPERSON ELKOWITZ:

Motion to adjourn.

MR. MALLAMO:

I make that motion.

CHAIRPERSON ELKOWITZ:

Mr. Cramer can second it.

(*THE MEETING WAS ADJOURNED AT 10:43 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY