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COUNCIL ON ENVIRONMENTAL QUALITY

COUNTY OF SUFFOLK



9:30 A.M.
February 21, 2007

725 Veterans Memorial Highway
Smithtown, New York

A P P E A R A N C E S

LARRY SWANSON, Chairperson

KARA HAHN

RICHARD MARTIN

JIM BAGG

MICHAEL KAUFMAN, Vice Chair

VIVIAN VILORIA-FISHER

JOHN E. POTENTE

MARY ANN SPENCER

JOYCE SQUIRES

LAUREN ELIZABETH STILES

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THE CHAIRPERSON: I'd like to call the meeting to order. Any correspondence that you want to call to our attention, Jim?

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MR. BAGG: No. Nothing received as of the meeting.

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THE CHAIRPERSON: Okay. I'd like to remind everybody that this is a public meeting. You will be provided with the opportunity to speak.

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Generally we'll give you that opportunity when the particular topic shows up. And for probably the airport discussion, I would like to recommend that you give us a list of who would like to speak so that we can determine how long each individual should be allowed to talk.

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MR. POTENTE: Mr. Chairman, may I just make a note on the minutes?

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THE CHAIRPERSON: Yes.

MR. POTENTE: Regardless of what is going on, I would like to make a recommendation that we receive the minutes in a more timely manner. I have looked at the minutes.

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When I look at the minutes it's a couple of months late. That's for two reasons.

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Number one, in order for us to verify that the minutes are indeed correct, we should have them sooner. One month I think is an adequate amount of time between meetings in order to have the minutes.

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Number two, for many of these issues we want to double check or verify that certain issues are correct or not. We need the minutes on hand before a recommendation goes to the legislature.

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For that reason I also think that the minutes should be at least no more than one month.

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THE CHAIRPERSON: Thank you, John. I agree with you. I am not sure whether we are going to solve that problem as long as they have verbatim minutes. We used to get the minutes instantaneously.

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MR. POTENTE: I understand.

MS. STILES: Larry, to solve the problem, we could have a taperecording that is easily reproduced. We need to know

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exactly what was said quickly.

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So that gives us adequate time to type it up. Because there have been times when we need to know exactly what was said.

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So I don't think that going back to the old way would help. It's just an idea. I think that it would be very helpful.

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MR. BAGG: We used to type the minutes and have that available and have the minutes pursuant to Robert's Rules of Order which is simply a summary of business transacted.

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And the taperecorder was available of the meeting if necessary for anything verbatim in case of a lawsuit or something else of that nature.

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THE CHAIRPERSON: But we are not doing that now.

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MR. BAGG: No.

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THE CHAIRPERSON: Maybe we can talk about that problem. Okay, recommended type two actions. Jim, do you have any comments that you want to call to our attention?

MR. BAGG: No. The package is pretty straightforward. It should be noted in the

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packet that there were two findings,

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statements on the VECTA control, long term

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wetland management plan and VECTA control.

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One was submitted by the County

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Executive's office. One was submitted by

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Legislator Fischer.

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It's also in that packet, a resolution

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forming the wetlands strategy, committee and

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funding for that committee as a follow up to

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the recommendations.

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MS. SQUIRES: What number?

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MR. BAGG: If you look in your packet.

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I don't know offhand.

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THE CHAIRPERSON: 1130, 1131 and 1150.

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MS. STILES: Is there a way to make

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copies? I received the findings statement

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in my packet that was mailed home.

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But I am not sure which one it was.

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And I think that it might be helpful as we

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go through it.

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THE CHAIRPERSON: Okay.

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MR. BAGG: Yes, I'll try to get them

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and mail them out.

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MS. STILES: Thank you.

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MS. VILORIA-FISHER: Kara, could it be possible to ask the clerk's office to just provide them? Which ones did you receive?

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MS. STILES: I'm not sure. It just says findings statement.

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MS. VILORIA-FISHER: Does it have an attached resolution with it, Lauren?

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I'm trying to remember. Kara, maybe the clerk's office could give us. We don't need that many copies.

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MS. HAHN: Sure.

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MS. VILORIA-FISHER: Would that be okay, Mr. Chairman?

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THE CHAIRPERSON: Yes, that would be good.

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MS. VILORIA-FISHER: Fine.

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MR. KAUFMAN: I'll make a motion to adopt the staff recommendations.

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THE CHAIRPERSON: We have a motion to adopt. Do we have a second?

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MS. STILES: I'll second the request.

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MR. KAUFMAN: We review the packet from a point of view of what is required under SEQRA. And if it's an unlisted or

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a type one action, whether it's been

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submitted to CEQ and whether it's passed CEQ

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and now before the legislature in a final

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version of SEQRA.

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So in essence that findings statement

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when adopted by the legislature will complete

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it.

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MS. STILES: I'm just curious why

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they are here. What do you think our role

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is in that? The reason that I'm bringing

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this up is because I already spoke to you.

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Some of the recommendations that were

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sent to the legislators were not necessarily

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exactly what we had voted on at the last

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meeting.

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And I just want to make sure. We don't

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have the minutes yet from that meeting.

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I just want to make sure that we are not

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somehow, you know, awaiting the concern that

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we don't have the recommendations exactly as

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we voted on them.

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MR. BAGG: The recommendations before

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you in the packet are the findings statement

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by the legislature that include all of the

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environmental recommendations including CEQ's
request which is only part of the
environmental review.

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MS. STILES: Right.

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MR. BAGG: And it also includes social
and economic policy decisions by the
legislature with respect to the entire
program.

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So in essence those resolutions complete
SEQRA. I mean, it's debatable whether or not
you don't think what was said across the
street by CEQ was totally accurate.

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MS. STILES: What I am stating is,
I mean the findings statement that I reviewed
said that it was based on the recommendations
and other things, you know, the
recommendations from SEQRA, comments from
SEQRA and the public.

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What I am saying is that the legislature
didn't have the actual recommendations from
the CEQ because they weren't fully accurate.

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So I am not sure how anyone could be
voting on the findings statement without
having the actual, they can ignore the

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recommendations if they want to.

But they have to have them if they are not a hundred percent accurate. And I think that we need the minutes to make sure that they are.

THE CHAIRPERSON: Legislator Viloría-Fisher.

MS. VILORIA-FISHER: Actually the legislator didn't act on the recommendations from CEQ. And we have not yet acted on the other recommendations.

The recommendations from CEQ as far as I can see were accurate as they were presented to the legislator, to the environmental community.

And there was testimony there from the members of CEQ, some members of CEQ and some members of the public that were there.

As far as I could see, it was a representation of the recommendations that we voted on. I think that Jim Bagg and his department, his staff worked very hard on trying to reflect the feeling of CEQ and the findings of CEQ.

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As far as the findings statement that you have, the reason that there are two is that the findings were done by an executive staff.

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And I didn't feel that, well I certainly didn't agree with that being the old findings that should come before the legislature.

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And so I introduced another resolution to include the parts of the recommendations. And that's why it has my name on it as a member of CEQ.

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But indeed what did come before us as the environmental committee, I believe, was very, very true to what we have discussed in CEQ. And the Environmental Committee didn't act upon it.

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MS. STILES: I am not saying that they have to act upon it.

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MS. VILORIA-FISHER: Well that's not before us then.

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MS. STILES: What I am saying is that procedurally under SEQRA, under the county charter, the legislature has to have our recommendations before them. They can ignore

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it..

MS. VILORIA-FISHER: They did.

MS. STILES: What I am saying is that those recommendations that were sent over to you were not a hundred percent accurate.

MS. VILORIA-FISHER: Well I disagree with you. I think they were accurate.

MS. STILES: I think that the appropriate thing to do would be to get a copy of the minutes to clarify. It might just be the one that I need. But there might be other things too.

I spoke to Jim about it when I first received a copy of the recommendations. The one issue that I noticed was that on the adult deciding threshold, the recommendations that were presented to the legislature said that it should be, the threshold should be reviewed.

But I distinctly recall making that motion at the CEQ meeting. And it said that the threshold should be reviewed and an arbitrary stricter standard should be used.

So that's different. And I think that

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the CEQ, I mean the legislature can ignore

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that if they want to.

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But procedurally under SEQRA if the legislature is going to move forward without

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having the actual recommendations, that's

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asking for trouble.

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MS. VILORIA-FISHER: But the legislature did not move forward on those

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recommendations. We did not act upon them

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and they are not before us. Is that

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procedurally correct, Jim?

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The findings were not prepared by the legislature. The findings were prepared by

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the executive office.

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MR. KAUFMAN: May I break in for a second?

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MS. VILORIA-FISHER: Procedurally we are not going on what the legislature has done based on CEQ's recommendations.

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MR. KAUFMAN: There are several things going on here. One, we are not voting on

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procedure aspects.

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There is no prejudice to any substantive comments that you have or anything like that

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that you want to bring before the

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legislature, et cetera.

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Secondly, these are the findings

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statement as the legislature just said.

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These were prepared by County staff.

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The County Executive has submitted them

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in the format of a bill. Our recommendations

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and the ones that you are questioning were

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considered, were apparently heard. I mean,

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we know that the County staff was there at

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the CEQ meeting.

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MS. STILES: They didn't have the

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correct recommendations.

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MR. KAUFMAN: No, this is different.

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The recommendations are different from the

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findings statement.

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MS. STILES: I understand that.

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MR. KAUFMAN: And there are basically

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two competing bills out there.

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THE CHAIRPERSON: Lauren, I think that

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Jim did a superb job reflecting what went on

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at a very complex meeting.

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I think that your opportunity if you

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disagree is that when the legislature, the

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full legislature I guess has their public meeting that you express your opinion there.

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As far as I am concerned, as Chair of this meeting, this is over and done with. I think there is no point in wasting any more time on it.

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And I think, there were several things in the findings quite frankly that I thought were wrong. But overall --

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MS. STILES: I'm not saying that it's wrong in terms of I disagree with them. I'm saying wrong in terms of it's not accurately reflecting what we voted on.

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There were plenty of things in there that I disagree with. But if we voted on it as a majority, then that's what should go over to the legislature.

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THE CHAIRPERSON: You have an opportunity to express yourself if you feel that there were not proper representation. And I don't know when that will come up, next month or the month after.

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MS. STILES: I was thinking that perhaps the CEQ that made their recommendations would

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be concerned that it's recommendations were not accurately reflected.

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THE CHAIRPERSON: I don't think that the CEQ wants to go back there again. Because I think quite frankly that you might not get the results you want.

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MR. POTENTE: Mr. Chairman, as far as I am concerned, the issues have been adopted. The point that Lauren is bringing up is that they want it accurately depicted in the transcript for the legislature.

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I don't think that it's a big issue. But I do think that the CEQ owes her, owes itself an accurate depiction of actually what transpired.

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At some point I think that any minor discrepancies should be resolved by the CEQ. I don't think that we have to have a full blown forum over it. It's just a matter of coordinating.

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THE CHAIRPERSON: I'm not sure that I want to go there. Anyway there is now a motion that has been made.

MS. VILORIA-FISHER: I'll second it.

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THE CHAIRPERSON: We have a second.

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All in favor?

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(Aye.)

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THE CHAIRPERSON: Opposed?

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MS. STILES: Yes.

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THE CHAIRPERSON: Abstention?

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MR. POTENTE: I'm opposed.

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THE CHAIRPERSON: Three to two.

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Mary Ann?

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MS. SPENCER: In favor.

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MR. POTENTE: I'm opposed.

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MS. VILORIA-FISHER: Approve.

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MR. KAUFMAN: I'm in favor.

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THE CHAIRPERSON: Approve. So it's

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four-two. I am going to adjust the agenda

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and put item number two, the proposed

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redevelopment of Long Island Jet East, Inc.,

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Francis Gabreski Airport in the Town of

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Southampton, to the end of the meeting. I

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think that there's going to be a lot of

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public comment.

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And I want to move ahead and get some of

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these other actions taken care of. So let's

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start with proposed aquisition of land for

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open space preservation.

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MS. FISCHER: Loretta Fischer, Suffolk County Planning Department. The first one before you today is an acquisition along Doxsee's Creek to add to our holdings in this area in Islip.

This is a tributary creek that flows into Great South Bay. It's two and-a-half acres adjacent to other parcels that we're looking to acquire at least part of and within a close proximity of other County and Town of Islip property along this corridor.

MR. KAUFMAN: If I remember correctly, I think you said a number of properties in this area. Is there anything to the south of here?

MS. FISCHER: Oh yes, absolutely. This is just a highlight of this second portion of the property.

MR. KAUFMAN: I think I remember there being something to the north of here.

MS. FISCHER: Yes, north and south.

MR. KAUFMAN: This is just building a chain?

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MS. FISCHER: Yes.

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MR. KAUFMAN: I'll make a motion for
a neg dec.

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THE CHAIRPERSON: Do we have a
second? I have a question. Is this a
purchase price?

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MS. FISCHER: We have been requested
by law to redact that information. It's
privileged if the resolution is laid on the
table for a copy of the resolution that you
had before you as a draft.

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MR. KAUFMAN: Second.

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THE CHAIRPERSON: All in favor?

(Unanimous aye.)

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THE CHAIRPERSON: Opposed?
(None.)
THE CHAIRPERSON: Motion carried.
MS. FISCHER: The second item on your
agenda is the acquisition of the property
in Mastic-Shirley, the Froehlich property.

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This is a piece of property .089 acres
in our, again Mastic-Shirley is adjacent to
two other County holdings in an area that we
are trying to emasse our properties in for

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preservation. Wetland and flood plan
preservation.

THE CHAIRPERSON: I'll take a motion.

MR. KAUFMAN: Unlisted neg dec.

THE CHAIRPERSON: Second?

MR. POTENTE: Second.

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion carried.

MS. FISCHER: Thank you. Larry, we do
have another acquisition number 6 on your
agenda. I would like to request that we
table this proposal.

We are still waiting for information
from the Department of Environmental Audit of
the property. And until then, we would like
to table it until we get further notice.

MS. VILORIA-FISHER: Do we have to make
a motion to take it out of order?

THE CHAIRPERSON: No. I'll take a
motion to table.

MR. KAUFMAN: Motion to table.

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THE CHAIRPERSON: I have a motion to
table. Second?

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MR. POTENTE: Second.

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THE CHAIRPERSON: All in favor?

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(Unanimous aye.)

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THE CHAIRPERSON: Opposed?

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(None.)

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THE CHAIRPERSON: Okay. We tabled the
Todd Hill Point Marina property.

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MS. FISCHER: Thank you.

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THE CHAIRPERSON: And we'll see that
next month I guess.

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MS. FISCHER: Next month hopefully.

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Thank you.

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THE CHAIRPERSON: Proposed development
regarding Suffolk County Shellfish
Aquaculture Lease Program for the underwater
lands in Peconic and Gardiners Bays in the
Towns of Southampton, East Hampton,
Riverhead, Southold and Shelter Island. Is
there anybody here to speak for that?

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MR. DAVIES: My name is DeWitt Davies,
Suffolk County Department of Planning.

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THE CHAIRPERSON: As always, DeWitt,

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it's good to see you.

MR. DAVIES: Good morning, everyone.
We have sent a package to the Chairman here which indicates a request for a positive declaration here in regard to the Shellfish Leasing Program in Peconic Bay.

And we have initiated this project just recently. We held a couple of informational meetings out on the North and South Forks. And Legislator Vilorina-Fisher attended on the North Fork. We had about a hundred people attend this kickoff session.

And some of the comments that were made at those meetings are reflected in the EAF at the company, the submission to the council that you have before you.

So we are well aware of the potential benefits as well as the potential costs associated with this project that involves approximately 100,000 acres in the Peconic and Gardiners Bays region in Suffolk County.

This is a new program. It builds on previous management efforts that have been conducted in this area historically by the

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County of Suffolk since 1984.

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We have a state law to deal with passed in the year 2004 which describes the various stipulations which we will follow in terms of how we will craft the specifics of this program.

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Suffice it to say that much of this particular area will not be subject to any sort of leasing activity.

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We have to take into consideration many factors, existing uses, environmental considerations, et cetera, to reduce the area that will be eligible for leasing when we define a shellfish cultivation zone in the Peconic and Gardiners Bays region.

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This is a project that will take approximately a little over a year and-a-half to complete. It is conducting some of the technical aspects of the project.

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The County Executive established a lease program advisory committee with 17 members. And they have been meeting and will continue to meet to review the products that are produced by the staff and the consultant as

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the project continues.

So in terms of where we are on short term, we will have a scoping document prepared. And we will proceed with the discussion of that at the meeting that is scheduled at this point for March 22nd, the notices of which will be sent shortly from the office.

So if anyone has any particular questions about the project, we would be happy to answer them.

THE CHAIRPERSON: Thank you.

MR. KAUFMAN: I have a technical question. I am looking at the covering letter.

MR. DAVIES: There is an error in that. Thanks for pointing that out to us, Mike. There are several errors in that letter. It is a draft generic positive impact statement.

MR. KAUFMAN: It was a positive statement that you have in here. You'll have to correct that.

MR. DAVIES: Will do.

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MR. KAUFMAN: Are you going to be going with a master plan on this or a sequence of different plans? Under a GEIS format you can do either.

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MR. DAVIES: We have to look at the entire planning area which is approximately 100,000 acres west of a land that extends from the eastern end of Plum Island to Goffs Point at Neapeague Bay. Mike, could you bring up a copy of that, please? This is Mike Mule from our office. Could you distribute that, please?

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Mike has an aerial photograph here which shows the Aquaculture planning area which is the area offshore from 1,000 feet from mean high water.

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And west of the line which I previously described to you, you can see the boundary. The planning activities will involve that entire planning area, a subset of which will be identified as a shellfish aquaculture leasing zone.

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So we are not going to break it up into any specific segments or anything else. We

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can look at the whole planning area in its entirety.

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MR. KAUFMAN: So then basically you are saying GEIS plus master plan and then individual inside the context of a master planning process you will be looking at individual areas and seeing whether they can support shellfish habitat, whether they can't, et cetera?

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MR. DAVIES: Yes.

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MR. KAUFMAN: So you don't have a problem if we want to go that way?

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MR. DAVIES: Well master plan, it is analogous to the preparation of a master plan because of the steps that we have to take.

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When we establish an aquaculture zone, it's analogous to the process that would be used to establish a zoning code in an upland setting.

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Although in this case we are dealing with a seascape. We are not necessarily looking at areas that could be zoned for other kinds of uses.

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It is not a comprehensive look at the entire system with respect to how other areas can be zoned or maybe zoned in the future.

MR. KAUFMAN: In which case if I am hearing you correctly, you are saying that a master plan aspect may not be the best way for you to proceed.

You may like to do it just as a GEIS without the master plan component. Is that what you are saying?

MR. DAVIES: I am not quite sure what you are referring to.

MR. KAUFMAN: To use some forbidden plan. When the VECTA control plan and VECTA control issue was before us back in 2002, this Council decided/recommended that a GEIS be undertaken and also a master plan be implemented for the GEIS.

That was the most efficient way of doing things as far as we saw at that time in terms of basically establishing the environmental setting, establishing the environmental limits and then having a plan set forth that could be analyzed.

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In terms of the GEIS master plan, it's usually the best way to go as companion to the GEIS. You can go without it, I believe.

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There are certain restrictions within SEQRA when you do that. But it is usually better to use a master plan, whatever plan you come up with.

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And that is what I am trying to focus in on, which way do you want to go.

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MR. DAVIES: Okay. The program will result in, if you want to use the term "master plan", I wouldn't use that for this particular project.

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But we will be developing a recommended program for implementation which will involve this particular activity.

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So it will involve the administrative components. If you consider that a master plan, I can understand that.

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MR. KAUFMAN: You said recommended aspects of that. GEIS is the right way to go. If you don't want to go there, you don't need to have a master plan. You set up the GEIS in your plan.

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MR. BAGG: If I might say, you can have a GEIS on a number of things. It doesn't have to be the master plan.

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It can be a program to lease shellfish areas under the jurisdiction of New York State. And GEIS is done on a program.

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MR. KAUFMAN: That's why I'm saying it's okay with me.

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THE CHAIRPERSON: Legislator Viloría-Fisher.

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MS. VILORIA-FISHER: I attended as you said that public hearing. And my question doesn't go to the environmental impact but the social economic impact that would be borne by the members of the public at that meeting.

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And one of the things that I felt compelling were these small business people who are interested in a program that it not go to large corporations that would wind up as a result of this being owners of large parts of waters.

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MR. DAVIES: Right.

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MS. VILORIA-FISHER: Will that come

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before us here? At what point in the process will we vote on that part of the program?

MR. DAVIES: There are basically two parts of this program. One is the location of where and the other is the question of how.

The locational aspect that we will be looking at is where the shellfish cultivation lease zone would occur. Where will it be?

The administrative aspect of the program will deal with how leases would be structured, how they would be reviewed, how they would be issued and how they would be carried out.

So yes, the question about lease sizes is a major concern I think of some people. And you can address that by limiting the size that or the leased area that could be signed over and of course in a shorter period of time or whatever.

You can have five acre leases, ten acre leases, et cetera. You could have limits on the number of leases that could be secured by any individual. It could be up to one lease

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per person or company.

So there are a number of ways that that issue can be addressed. And we are well aware of that.

And one of the reasons why the State law was changed in 2004 was to repeal an older State law which had other stipulations in it with respect to leasing which were not concerned so much with the size of the lease.

So we are very aware of that problem. And it will be addressed and again there are a number of ways that we can do that in the administrative aspects of the project, yes.

MS. VILORIA-FISHER: Thank you.

THE CHAIRPERSON: Do we have any other questions?

MS. STILES: The 100,000 acres, does that include all underwater acreage between Riverhead and the line out east? It looks on the map like the entire bay bottom.

MR. DAVIES: Okay.

MS. STILES: And I think that there are some privately owned people that have leasing rights.

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MR. DAVIES: If you look at the aerial photo there, we are not looking at all at any trees to control lands in the townships. These are all the local canals and what have you. That is not within the purview of our program.

The purview of our program includes State underwater lands which was ceded to Suffolk County for the purpose of this particular project.

And that included only the lands that we see with regard to a thousand feet of high water. So that's what that white line on the map shows you.

There are a number of parcels in the Peconic Bay which were oyster grants that were sold by Suffolk County to private parties beginning in 1984.

We have about four or five such parcels in place today. There are certain rights associated with them.

And the individuals that own those parcels can cultivate them as a matter of right. If they fail to pay their real estate

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taxes in a timely manner, they can be taken by the County and many have.

We will be dealing with those particular parcels inasmuch as they deal with only now one species of shellfish which is the oyster.

We were looking at those parcels also with the possibility of crafting a recommended program where they could culture other species of shellfish under a lease agreement also.

So we will deal with them specifically and separately in the program as we develop them.

MS. VILORIA-FISHER: But I just want to clarify something in response. Are you saying that the administrative portion will be part of the GEIS that will come before us?

MR. DAVIES: Yes. Part of the whole thing will be addressed during that process.

MS. VILORIA-FISHER: Thank you. I just wanted to be clear on that.

THE CHAIRPERSON: Are there any other questions? Jim?

MR. BAGG: Yes. I might point out

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that the information handed out will be
a scoping process to the GEIS as well. And
people from the local community as well as
CEQ will be involved in that process which
will go to the legislature.

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THE CHAIRPERSON: Thank you. I'll
take a motion.

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MR. KAUFMAN: I'll make a motion that
this is a type one action with a positive
declaration and a recommendation that a
GEIS be prepared.

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MS. VILORIA-FISHER: I'll second that.

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THE CHAIRPERSON: We have a motion
and a second. All in favor?

(Unanimous aye.)

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THE CHAIRPERSON: Motion carried. Thank
you.

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MR. DAVIES: Thank you very much.

THE CHAIRPERSON: Proposed relocation
of the Suffolk County Police Department,
4th Precinct, Town of Smithtown.

MR. BORKOWSKI: Ralph Borkowski, Suffolk

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County Department of Public Works. Is it possible to put us off to later on in the agenda? Our consultant is on his way. He was delayed. That is to present the project. He said that he will be here by 10:30.

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THE CHAIRPERSON: Okay. I'll be glad to do that.

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MR. BORKOWSKI: Thank you.

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THE CHAIRPERSON: Proposed intersection improvements on County Road 19, Furrows Road in the Town of Islip.

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MR. MACKEY: My name is Russ Mackey, Suffolk County DPW. This is an intersection improvement project CR 19, Patchogue-Holbrook Road at Furrows Road.

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With me to help me present this program is Steve Normandin.

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THE CHAIRPERSON: Excuse me. What is the consultant group?

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MR. NORMANDIN: RBA Group. I am here to describe this project. It falls in the Town of Islip in the intersection at CR 19, Patchogue-Holbrook Road and Furrows Road.

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Just to give you a little better taste

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of where it is, Mama Lombardi's Restaurant
is in the southwest corner.

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This project is brought by Suffolk
County to improve the traffic operations
at this intersection. Currently there is
high congestion and safety concerns at the
intersection.

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And what we are proposing is to widen
the approaches on both Furrows Road on the
east and west as they approach up to
CR 19.

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As it currently exists, the traffic
backs up from CR 19 west to Main Street.
There is a queuing problem there as well
as on the opposite east approach and some
queuing problems on CR 19 as well trying to
make a left turn onto Furrows Road.

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The existing condition, there is a
through and a left lane in both directions.

We are proposing a through and a right
and a left turn lane. So widening of one
lane on each approach to store the cars and
to improve the signal operations.

What the project involves is the

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new curb resurfacing of the pavement,

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widening of approximately five feet on

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either side of the road and a new drainage

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structure and a brand new traffic signal

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with pedestrian signals.

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We have a new crosswalk which doesn't

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exist at this moment. I'll take any

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questions.

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THE CHAIRPERSON: Go ahead.

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MR. KAUFMAN: Basically this road and

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these expansions are going to be built within

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the existing right of way except for some

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small takings if I understand correctly?

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MR. NORMANDIN: That's correct. The

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same takings at the property are about five

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feet wide and 120 feet in length.

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It would be commercial property on the

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north side, similar strip taking and a small

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residential taking on the northeast corner.

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None of which impacts any of the parking or

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anything that is on site.

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MR. KAUFMAN: All these properties

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will still be actually useable?

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MR. NORMANDIN: Yes.

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MR. KAUFMAN: Has there been any
community opposition or anything?

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MR. NORMANDIN: We had sent letters
requesting dedication for the three
properties. And I believe that Mama
Lombardi's has come back to say that they
were dedicated to the property. I haven't
heard anything on the other two.

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THE CHAIRPERSON: Ms. Stiles.

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MS. STILES: Particularly the
residential property, if it turns out that
they are not going to cooperatively dedicate
the land and condemn it, is there any way
that the Department could assist the
homeowner with any type of traffic safety
conscious re-vegetation, buffers?

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I'm not sure that there are not going
to be preexisting houses, more roadways
coming closer to their home.

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And I'm sure that there are safety
considerations. There are trees around the
corner. Is there a way that that can be
done? That would be helpful.

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MR. NORMANDIN: Every opportunity will

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be taken to replace any of the existing trees that could be removed where feasible.

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Some of the buffer will be lost at that residential property. But a new fence will be placed back in place.

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And where we can fit in new plantings and the size and type, we would put them in.

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MS. STILES: Thank you.

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THE CHAIRPERSON: Please describe the pedestrian facilities that you say you are planning to do that are not there.

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MR. NORMANDIN: There are no crosswalks or pedestrian signals there now. And what we are proposing is a connection between the new sidewalk areas, the crosswalk and new pedestrian signals.

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THE CHAIRPERSON: Would you point those out?

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MR. HEASLIP: Brian Heaslip. This is the new crosswalk here.

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THE CHAIRPERSON: So that's a crosswalk? It's not an overpass? It's the pedestrian overpass?

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MR. NORMANDIN: It's just a stripe on

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the crosswalk.

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THE CHAIRPERSON: Are there any other questions?

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(None.)

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THE CHAIRPERSON: Can I have a motion?

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MR. KAUFMAN: A motion unlisted neg

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dec.

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MR. POTENTE: Second.

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THE CHAIRPERSON: We have a motion for unlisted neg dec. Dr. Potente seconded.

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Is there any further discussion?

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(None.)

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THE CHAIRPERSON: All in favor?

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(Unanimous aye.)

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THE CHAIRPERSON: Opposed?

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(None.)

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THE CHAIRPERSON: Motion carried.

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MR. NORMANDIN: Thank you.

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THE CHAIRPERSON: Propose reconstruction of County Road 16, Horseblock Road in the

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Town of Brookhaven.

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MS. STILES: Mr. Chairman, I am just going to recuse myself.

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THE CHAIRPERSON: Thank you. Please

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note that Ms. Stiles will be recusing herself on this particular issue. Go ahead.

MR. MACKEY: This project, CR 16, Horseblock Road, is 200 feet east in Yapank. This includes repavement in selected areas.

So some drainage modifications will be made to the existing positive drainage system and some isolated leaching basins will be in place to alleviate the existing localized roadway flooding at certain isolated locations.

All work will be done within the existing roadway width. There is no additional paved adding on in this project. It's just a simple resurfacing and rehabilitation job.

THE CHAIRPERSON: Is there any drainage required at all in here?

MR. MACKEY: Yes. We are going to be putting some isolated leaching basins where there's flooding existing.

THE CHAIRPERSON: But flooding is not a major issue on this road?

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MR. MACKEY: In some minor areas.

THE CHAIRPERSON: Okay. Are there any other questions?

(None.)

MR. KAUFMAN: I'll make a motion unlisted neg dec. Withdrawn. I will make a motion that this is a type two activity.

THE CHAIRPERSON: We have a motion for type two. Second?

MR. POTENTE: Second.

THE CHAIRPERSON: Dr. Potente seconds. All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion carried.

MR. MACKEY: Thank you.

THE CHAIRPERSON: Thank you. Proposed drainage improvements on County Road 39.

MR. DAWSON: Good morning. Jeff Dawson. I'm with the Department of Public Works. This project is drainage improvements to CR 39, North Road at various locations.

This particular project is a phase two.

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And it involves construction of a recharge basin on the south side of CR 39 just west of Tuckahoe Road.

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This road was previously presented to the CEQ in 1998 during which a negative declaration was issued.

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The difference in the project that is being proposed to you today is that the recharge basin location is across the street from where it was previously presented.

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The reason that happened is because of the Shinnecock golf course that had some problems with allowing us to take that land. That was when the U.S. Open was in the area.

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So this project is going to help alleviate the forty accidents that have happened since January 2003 at this location due to the wet roadway conditions. Of those 40 accidents, there was one fatality with 17 injuries.

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As you can see on the map, the recharge basin is going to be about 1.6 acres that will be planted with native species.

And also the area will be allowed to go

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back to its natural condition. Any plants
3 that are able to be saved and replanted will
4 be.

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And I guess that's about it. If you
have any questions particularly on the
project.

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THE CHAIRPERSON: Yes? Legislator
Viloria-Fisher. Go ahead.

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MS. VILORIA-FISHER: There has been a
great deal of talk about County Road 39 and
the projects that are ahead of it to
alleviate traffic in that area.

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MR. DAWSON: Right.

MS. VILORIA-FISHER: Now will this
project be something that will have to
be done later on when the expansion is
completed? I hate to have something move
ahead and then have it redone when there is
another capital project that comes along.

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MR. DAWSON: Right. This is within
the limits of that improvement project that
you are referring to. However, the only
improvements that are going to happen within
the roadway are a couple of trenches through

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which we can install the pipe and take the water from the low side on the north side of the road and run it to the south side on the recharge basin. So this project will not be affected by it.

MS. VILORIA-FISHER: I'll just watch this.

MR. DAWSON: We appreciate it.

MS. VILORIA-FISHER: The second question is that you have said that it will be planted with native species. And I have introduced legislation that I had the list of species that will be on a no sell list.

But we also have an appendix with lists of species that are on our management list. We do have a member of DPW who was on the evasive species task force.

And if you could just refer to those as the planning is done with this project.

MR. DAWSON: Certainly.

MS. VILORIA-FISHER: Thank you.

THE CHAIRPERSON: What is the rainfall that you designed this for?

MR. DAWSON: I believe that's on the

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map. If you can just let me take a look on the map. It's a 4.3 inch rainfall event. And that's equivalent to a five year design storm.

THE CHAIRPERSON: Now it's hard to believe, you said 1998 you reviewed this originally. How would you compare the effectiveness of this alternative to the original plan? Are we losing much?

MR. DAWSON: No, we are not losing anything at all actually. The original difference is that had the recharge basin been located to the north side of the road on the Shinnecock Hills golf course property, it would have required less piping as well as the roadway intersection is super elevated. Meaning that the south side of the road is higher than the north side.

So it would have been easier hydraulically to get the water to remain on the north side which is the natural low point.

But the only difference is just an addition of pipes. It's going to allow us to

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take the water from the low point on the
north side and convey it to the south side.

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THE CHAIRPERSON: Whose property are you
conveying it?

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MR. DAWSON: This is actually the
Nature Conservancy property. We have been
coordinating with them about this parcel.

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We are actually in a lease agreement
right now where phase one of this project is
currently being constructed due to the
severity of the traffic accidents at this
location.

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They agreed to allow us to use about a
fifth of that parcel, the 1.6 acres right
now. And that's in construction.

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This phase two is going to widen the
recharge basin and allow for the full volume
that is required.

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THE CHAIRPERSON: And you have a formal
agreement with the Nature Conservancy?

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MR. DAWSON: We are in a lease
agreement. I'm not sure of the dates of
that agreement. But I know that it's
temporary until the acquisition of this

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parcel is executed.

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THE CHAIRPERSON: So you are going to actually purchase this property from the Nature Conservancy?

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MR. DAWSON: Yes.

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THE CHAIRPERSON: Okay. Yes?

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MR. STILES: Do you know how the Nature Conservancy came onto this property? Was it a deletion?

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MR. DAWSON: A good question. I don't know the answer to that.

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MR. POTENTE: Do you know the name of the preserve?

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MR. DAWSON: No, I do not.

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MR. POTENTE: Is this the entire portion of the preserve?

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MR. DAWSON: This is actually a triangular piece of property. The entire parcel is triangular. This section of the parcel is a wedge shape between CR 39 and the railroad tracks.

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So we are talking of the Nature Conservancy and they agreed that this portion of the parcel wasn't completely

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environmentally sensitive.

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As well as when we do take the land,
the Nature Conservancy is going to be able to
have funding to buy more sensitive land.

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This corner of it was a small chunk of the
big parcel.

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THE CHAIRPERSON: Yes?

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MS. STILES: Is there any conditions
in the agreement that you are going to have
with the Nature Conservancy that those monies
will be used in the same general location for
replacement?

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MR. DAWSON: I'm not sure of the actual
agreement as it stands now. But we did speak
with the Nature Conservancy.

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And they did indicate that they are
going to acquire additional land with the
money that they get. I'm not sure exactly
where though.

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THE CHAIRPERSON: Motion?

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MR. KAUFMAN: This is an acquisition.
I'll make a motion unlisted neg dec.

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THE CHAIRPERSON: Motion unlisted neg
dec. Second?

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MR. POTENTE: Second.

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THE CHAIRPERSON: Seconded by

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Dr. Potente. All in favor?

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(Unanimous aye.)

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THE CHAIRPERSON: Opposed?

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(None.)

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THE CHAIRPERSON: Motion carried.

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Thank you.

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MR. DAWSON: Thank you.

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THE CHAIRPERSON: All right. So let's

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go back to the Airport. The proposed

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redevelopment of Long Island Jet Center East,

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Francis Gabreski Airport in the Town of

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Southampton. Anybody here like to speak for

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that?

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MR. CEGLIO: Good morning. Tony Ceglio,

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Airport Management Rescue Corps.

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MS. STILES: I'm going to recuse myself

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on this.

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THE CHAIRPERSON: Note that Ms. Stiles

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is recusing herself on this issue.

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MR. CEGLIO: I just want to make a

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note before I start that there are

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representatives from the Louis K. McLean

1
2 Associates and the Long Island Jet Center
3 here to review the specifics of the project
4 after I go through a complete review.

5 I'd like to start out by saying that
6 historically the Gabreski Airport property
7 was developed on approximately 1,500 acres in
8 1943 as the Suffolk County Air Force base.

9 It was operated on and off by the Air
10 Force until being turned over to Suffolk
11 County by the federal government in 1972
12 through the Surplus Property Act of 1944 and
13 a quick claim deed.

14 A quick claim deed requires, among other
15 things, that the County operate the facility
16 as an airport for the benefit of the public.
17 The airport has to stay open 24 hours a day,
18 seven days a week.

19 The County must also provide land to
20 tenants who are willing to construct
21 facilities to service aircraft on a fair and
22 equitable basis.

23 The requirements of the quick claim deed
24 are also echoed in assurances and grants
25 received from the federal government.

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Presently Gabreski Airport is situated on approximately 1,452 acres in West Hampton Beach in the Town of Southampton.

Long Island Jet Center is one of two fixed base operators at Gabreski Airport. AFO is a company that services the airport. They provide aircraft fuel, parking and other services that are required for aircraft using the airport.

Long Island Jet Center services about 60 percent of the jet aircraft that come into the airport based on fuel services collected.

Their clientele consists mainly of corporate and private general aviation aircraft. Their existing aircraft space is inadequate in peak summer months.

In order to accommodate the aircraft that use their services during the busiest months, they need to request the use of remote areas at the airport for the parking, requiring the airplane to be towed across taxiways and runways. Their intent is to construct three 15,000 square foot hangers

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for corporate aircraft and seven hangers for
small aircraft and additional outdoor areas
for ramp parking.

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They also include to relocate their
current fuel and fuel capacities to meet the
current and future demand for services at the
airport.

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In the environmental assessment form
it's also indicated that they will remove an
underground storage tank that was previously
used for heating oil prior to being converted
to natural gas heat.

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Their proposal will provide ample
parking for the current aircraft using the
airport. The large hangers could also be
used to house aircraft on a year round basis
and creating jobs and night crews and service
personnel.

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The project is consistent with the 1990
master plan for the proposed site and is
consistent with the Pine Barrens
Comprehensive Land Uses Plan regarding
clearance standards.

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The EAF or Long Island Jetways reviewed

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2 by the Council of Environmental Quality in
3 August of 2005 resulted in a recommendation
4 for an unlisted action with no significant
5 adverse impact to the environment.

6 The recommendation was reviewed by the
7 legislature on March 14, 2006. The
8 legislature asked CEQ to reevaluate the EAF
9 which is where we are here today.

10 As a result, the EAF form was revised by
11 the Department of Planning and the Department
12 of Economic Development Work for Housing to
13 include additional information about projects
14 at the airport and specifically the Long
15 Island Jet Center.

16 I'd like to point out that the
17 information submitted to you is a report from
18 the Airport Conservation Assessment Panel or
19 ACAP.

20 ACAP was created by County executive
21 order to review proposed leases at the
22 airport and to submit their recommendations
23 to CEQ and the legislature.

24 There is one change to the EAF form that
25 has been submitted to you. A small area

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contained in the proposed lower area contains

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County owned buildings housing electrical

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equipment for airport runway and taxi

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lighting systems.

6

It will remain County owned property

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and have to be removed from the legal metes

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and bounds description.

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I have a handout. Actually somebody

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from McLain Associates will hand that out to

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you.

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I think it's three pages that have

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changes, minor changes in it. The revision

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basically decreases the overall property by

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0.09 acres. The total proposed lease area

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will be just under 10 acres or 8.98.

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As I mentioned, McLain Associates is

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here on behalf of Long Island Jet Center to

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review the project in more detail with you.

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With your permission I'd like to ask them to

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make that review.

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MR. SPEISER: My name is Andrew Speiser

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from McLain. Good morning, ladies and

24

gentlemen. Thank you very much.

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I'd like to draw your attention to

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begin with to some of the displays that we have here. You may be very familiar with the site. In case you aren't, these aerials will help to identify what is going on.

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Good morning. Just to draw your attention to the displays that we have here. Hopefully you can see them from where you are seated.

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First off generally Gabreski Airport is identified by the boundaries on this aerial photograph. As we can see from this, Gabreski Airport is surrounded by some dedicated open space.

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We have some central pine barrens, corps preservation area of the pine barrens to the north.

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There are some corps preservation areas to the east along with Quogue Wildlife Refuge. There is still development that's over on the west side with additional open space there and an area of development to the south.

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Within Gabreski Airport itself there is some corps preservation area of the pine

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barrens located along the east side.

There are also some areas of the compatible growth area which the rest of the airport is dedicated for which will not be touched with any vegetative clearing.

Long Island Jet Center is located internal to the airport and is not adjacent to any of these detected areas. It's not adjacent to the corps areas.

It's not adjacent to any of the compatible growth areas of which there will be the prevention of any clearing. It is substantially located internal.

It is a project which is a stand alone project. It's not connected with any other action that's happening. And as such it's not adjacent to any open space areas.

This diagram is a close up aerial of the action for Long Island Jet that you had seen in the smaller scale. That area bordered in orange is Long Island Jet's property.

Currently they are using a portion of the property from this line in front of the cars, believe it or not if you can see it on

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there, just north of these airplanes.

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They currently use this area all to the south. Airplanes are parked on the apron.

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Airplanes are parked on the grass areas here.

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And this is due to the amount of needs that

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they have for servicing aircraft which

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currently come to the airport.

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Through this lease that they will be

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obtaining, the area to the north here would

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be added to the property that they would be

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using.

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The total leased area is 9.90 acres.

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The area that they are currently using is

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5.04 acres which means that the remainder of

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the area that they will be taking is going to

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be 4.94 acres.

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The electrical vault and emergency

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generator that was alluded to before is this

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area up here where these buildings are

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located.

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I'd like to point out that with the

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exception of just over half an acre of wooded

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area, the remainder of the site has all been

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completely disturbed.

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This area has been cleared. It's been graded. It's shown on the Suffolk County Highway Survey as being cut and fill land.

There were previously some structures and buildings located in the north of the current administrative building which has been demolished.

There were also some other structures that were located in this area where there was parking as well as a taxiway which is currently located going through the area which Long Island Jet uses as well as into the area which would be given to them for their overall lease.

So the whole site itself is predominantly disturbed. This is not a virgin area. This is an area which has been experiencing air traffic for a long time.

This is not a new business in a new airport. This is an existing aircraft service company at an existing ongoing airport. Long Island Jet operations are shown here on this site plan.

THE CHAIRPERSON: We have a question.

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MS. VILORIA-FISHER: Before you go on. I want to be clear about something on this here.

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MR. SPEISER: Sure.

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MS. VILORIA-FISHER: The legend that is closest to the pine barrens area, the legend refers to the crosshatched area as areas cleared or to be cleared.

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I just want to verify with you that that small portion up there, I'm assuming that that's already cleared. If we go back to the area. That narrow portion, that's crosshatched in this diagram.

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So does that mean that it's already cleared? Or is it to be cleared?

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MR. SPEISER: That area is not involved with Long Island Jet property whatsoever.

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MS. VILORIA-FISHER: That's what I wanted to clarify for this legend. It says cleared or to be cleared.

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MR. SPEISER: This property is not located on Long Island Jet's leased area.

24

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MS. VILORIA-FISHER: I just wanted to be certain.

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MR. SPEISER: You're pointing to an area up here.

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MS. VILORIA-FISHER: It has nothing to do with your project?

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MR. SPEISER: None whatsoever. This project is strictly isolated to the small area over here.

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MR. FULKERSON: Roy Fulkerson. The 32 acres shown in yellow is the area where Long Island Jet Center is. And that's the only part.

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MS. VILORIA-FISHER: That's the only part that we are concerned with today.

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MR. FULKERSON: Yes.

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MS. VILORIA-FISHER: I'm asking because there has been a great deal of discussion regarding any impact on the pine barrens.

18

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MR. FULKERSON: Right.

20

21

MS. VILORIA-FISHER: I just want to put on the record that that crosshatch was not involved.

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MR. BAGG: If I may point out. That information was submitted as part of the EAF. That area has been cleared.

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It was presented to the Pine Barrens Commission. The green areas were improved as being in compliance with this clearance standard of keeping 35 percent of the airport in its natural state.

The airport has much more than 35 percent of its natural state. Currently it has about 70 to 73 percent in its natural state to meet the pine barrens.

But that map was presented to show that the pine barrens had reviewed clearance at the entire airport site and it's in conformance.

MS. VILORIA-FISHER: Thank you, Jim.

MR. SPEISER: But you can see over here on the site plan diagram is where different buildings are intended to be placed within this proposed leased area.

Now let me just get back to one other point here. This project is substantially similar to what was presented before the CEQ back in 2005.

The difference being that the leased area has been moved somewhat north and now

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incorporates some additional area of this woods that are from this location.

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Other than that, the layout plan is the same that you had seen. And again this is the only difference that is described today in recent development. That is the electrical vault area that was taken out of the lease parcel.

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THE CHAIRPERSON: When did you make that change?

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MR. SPEISER: The change is on the corrected sheets that were handed out by the EAF.

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THE CHAIRPERSON: Why?

MR. SPEISER: The County Attorney made a determination that that property was not able to be turned over as far as the lease.

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MR. KAUFMAN: If you just don't mind me asking. Can you point out where that building is that the County owns right now and could continue to own and take control of?

MR. SPEISER: We will maintain the

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buildings and the small area around these structures.

MR. KAUFMAN: And the amended sheet that you gave us, it says leased acres to be developed. That's on the upper right hand corner?

MR. SPEISER: No. .47 will be what is left. It's retained grass areas in different locations that will be around the site.

That .47 acres is the total amount of grassed areas that will be left.

MR. KAUFMAN: Thank you.

MR. SPEISER: The project is going to include installation of a few hangers. It will incorporate a row of the hangers here for small aircraft.

It will incorporate three larger hangers, 5,000 square foot hangers, the largest aircraft.

The existing hanger office area that is currently being used by Long Island Jet will be turned into a terminal along with office space.

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2 It's going to include addition of
3 airport parking areas to replace that which
4 is going to be taken out from development of
5 the area that the leased parcel will go into.

6 It's going to include a developed fuel
7 area here. Currently Long Island Jet uses a
8 12,000 gallon jet fuel tank as well as a
9 2,000 gallon tank for gas.

10 Those two tanks are going to be
11 relocated to this area along with
12 installation of a 12,000 gallon jet A fuel.

13 MR. POTENTE: Excuse me. Are those
14 above ground or below?

15 MR. SPEISER: Above ground. It's
16 going to entail installation of a 12,000
17 gallon A fuel and a 12,000 gallon Avas gas.

18 These are all going to be designed in
19 accordance, strict correspondence with
20 Article 12, Suffolk County Sanitary Code.

21 As such they are going to have
22 approximately about ten over fill. They will
23 have protection from leaks. They will
24 upgrade the current staff.

25 They are going to be able to help

1
2 protect ground water view compliance with
3 special ground water protection areas as well
4 as federal aquifers and the Southampton
5 district and it will be an improvement and a
6 protection to the ground water.

7 THE CHAIRPERSON: Would you describe the
8 design of the new Avas gas and jet fuel
9 facility? How you are going to prevent
10 overflows?

11 MR. SPEISER: They are going to be
12 above ground tanks. They will most likely
13 be above ground tanks. They will have to
14 be monitoring the program.

15 It will follow all the recommendations
16 of the Suffolk County Article 12 for
17 protection. Still there will be a monitoring
18 program as mandated by Article 12.

19 THE CHAIRPERSON: It will be above
20 ground. But what actually, suppose there was
21 a spill? What would prevent the spill from
22 spreading out?

23 MR. SPEISER: It's going to be an
24 impervious area underneath this tank area.
25 It will be bermed from visibility.

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There will be a spill plan in place for addressing any emergency actions that would happen. They also have emergencies. The tanks will be double wall as well.

THE CHAIRPERSON: Okay.

MR. SPEISER: The remainder of this area then is going to be paved to allow aircraft to be able to access the hangers.

Currently there is 3.78 acres which provides the building. The project will add 5.73 acres of pavement for a total of 9.51 acres of parking.

THE CHAIRPERSON: And what rainfall did you design this for?

MR. SPEISER: Two inch rainfall across the site.

THE CHAIRPERSON: Where did you pick that?

MR. SPEISER: That was a typical rainfall for determining the size of the leaching basins, number of leaching basins from Suffolk County.

THE CHAIRPERSON: I think that we have been much more conservative in looking

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to at least three or four inches of rain.

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Okay.

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MR. SPEISER: The project is not going to change the use of deicing chemicals that had been used. They have been using propylene glycol in the past.

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The facility uses a very small amount. They currently have about 1,850 gallons in a spray truck. They do not store all the storage of propylene glycol.

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This is a new solution of propylene glycol that is used for deicing purposes. And although the tank holds 850 gallons, over the years they have used half that on an annual basis.

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Propylene glycol is not a hazardous material. It is not on the New York State list of hazardous substances.

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MR. KAUFMAN: I know that that chemical is actually a glue component.

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MR. SPEISER: That is correct. It's generally usable in food substances.

MR. KAUFMAN: His question is, is there any kind of recovery for that? I know at

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2 larger airports where they have much greater
3 volumes for this stuff, they have recovery
4 steps and they keep pumping the same solution
5 in here. I didn't notice any kind of
6 recovery system in here.

7 MR. SPEISER: There was no recovery
8 system based on the small amounts. And
9 in this case the Agency for Toxic Substances
10 and Disease Registry identifies that this
11 material breaks down in the environment
12 within several days to a week.

13 MR. KAUFMAN: Has the Suffolk County
14 Department of Health communicated anything
15 to you about possibly recovery of this
16 chemical?

17 MR. SPEISER: We have not gone that
18 far. But this will be part of the permitting
19 process. And any regulations that they
20 mandate will be complied with.

21 MR. KAUFMAN: Thank you.

22 MR. SPEISER: In addition, as we
23 said previously, this project is a stand
24 alone project. There are no other cumulative
25 impacts that would be experienced by this.

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2 It is not part of any long range plans
3 to include other actions. It doesn't involve
4 any other actions that are likely to be
5 undertaken as a result of this action.

6 And there are no other actions depending
7 on this action. So as such there are no
8 cumulative impacts. It is a stand alone
9 project. Are there any questions?

10 THE CHAIRPERSON: Describe your drainage
11 collection system, if any.

12 MR. SPEISER: It's been designed for a
13 combination of 19 leaching basins along with
14 additional surface flow to existing grass
15 swale areas adjacent to this, the taxiway.

16 THE CHAIRPERSON: Does anybody have
17 any other questions?

18 (None.)

19 THE CHAIRPERSON: What is the
20 anticipated increase in traffic flow as a
21 consequence of your enlarging this facility?

22 MR. SPEISER: For air traffic?

23 THE CHAIRPERSON: Yes.

24 MR. SPEISER: This is not anticipated
25 to cause an increase in traffic flow.

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Traffic flow, the project will be handling existing operations.

Aircraft that come to the airport by itself by its own desires is what the project is meant to handle. It's what it will accommodate.

There are no plans here for growing or tracking that to come. There is an expectation that just due to improvements in growth and area that additional aircraft will be coming to the airport.

S
But it's not going to be the result of putting in this project. And I believe that the EAF identified three flights.

MR. FULKERSON: Another point is that with the larger hangers that will house the jet aircraft, we expect that there will be a lessening of landings and takeoffs.

Because these aircraft will be allowed to stay overnight. Where they currently leave the airport each night and go somewhere else.

But they overnight and come back the next day. So we expect that there will be

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a lessening of landings and takeoffs as a result of that.

THE CHAIRPERSON: Go ahead.

MR. KAUFMAN: I wanted to inquire into that a little bit. I happen to know that you are correct in what you just said as to planes not staying there overnight, particularly the jets.

They farm out to Teterboro and Republic. I even heard of them going up to Stewart.

So there is a possibility in what you are saying that there will be basically a 50 percent reduction in particular types of aircraft. Basically they fly in. They stay.

And then they fly out a couple of days later rather than going in, leaving, coming back. So there is a potential for lesser air traffic in a certain way.

Okay, nonetheless though this is a present level of capacity at the airport right now in terms of these facilities by the FBO.

That present level of capacity is

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apparently inadequate from the documents that

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I have been seeing and again from my own

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personal knowledge of this.

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What is going to be the capacity level

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once this is built? Will it be enough just

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to handle what is needed there right now? Or

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will there be quite a lot of capacity?

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But you will not necessarily have people

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coming in. I mean, how much capacity

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basically are you over building if you will?

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Or is there any over building going on?

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MR. MCSHANE: Bill McShane, Long Island

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Jet Center. We don't believe that this

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development meets the demand that is at the

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airport.

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Long Island Jet Center put in a proposal

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for the airport in 1997 for the development.

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We are as it were behind the power curve in

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terms of supporting industry's needs.

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What it does is that it allows us to

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operate more safely and move these airplanes

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around on the airport.

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So the capacity at the airport will

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continue to be handled this year and next

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year.

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However, in terms of taxis they will be parking airplanes on runways, we routinely close the taxiway on summer weekends, with the permission of the airport many times and the control tower in the safest possible way.

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However, every time you hook up to an airplane you risk damaging that airplane and causing a problem.

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So it provides for a safer way to operate. It doesn't change the capacity capabilities of the airport per se.

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MR. KAUFMAN: You will not become a magnet if you will for increased traffic?

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MR. MCSHANE: I think that what we were able to show in 1997 and forward was that the provision of additional services at an airport improves the compulsion relationship which reduces the number of flights that leave an airport like this which is a regional airport and seasonal airport.

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And it provides for increased economic benefit. We had less takeoffs and landings, more fuel volume and better revenues for the

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County as a result of us arriving at the
airfield and providing those services.

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This will I think have the same impact.
Any growth at the airport that will come as a
result of the development of the east end
will come regardless.

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As I said once before, I think at a
meeting we can only prepare for the growth
that comes to our region. We cannot create
it.

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Gabreski Airport has had a 9,000 foot
runway there since, when was the airport
formed? 1943.

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Clearly the demand isn't there for
regular air carrier service nor do we wish to
have it on the east end of Long Island. And
we do not propose to support that type of
development.

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We are just trying to meet the demand at
the airport today and provide a safer service
for our customers. That's about it.

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THE CHAIRPERSON: Legislator Vilor-
Fisher.

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MS. VILORIA-FISHER: We didn't discuss

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noise abatement and that condition before the legislature by the neighbors.

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As I look here, I looked at the program called Fly Neighborly, the recommended procedures for pilots. How does that work?

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Is it a voluntary procedure that you recommend that pilots use? So that they will be lowering the noise levels of arrivals and takeoffs?

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MR. CEGLIO: If you don't mind, I'll do it. That's Tony Ceglio. The Airport Noise and Capacity Act of 1990 will not allow us to force noise abatement on pilots.

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As such with the help of the community we developed a voluntary noise abatement program to try to help reduce the noise generated in the communities surrounding the airport. It's voluntary.

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We have tried to get the people that are based at the airport to follow it. And also if people don't follow it, we sent out letters to try to get them to comply with these voluntary procedures.

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It's not the silver bullet. It doesn't

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help immensely but we have made progress in
the last year.

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And I think that we helped reduce some
of the noise in those residential communities
surrounding the airport.

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MS. VILORIA-FISHER: I also read before
I read about the flight neighboring program a
number of recommendations to the Town, to the
municipality regarding what kind of building
they were permit around the airport and that
noise soundproof material be used. How
receptive has the Town been to these
recommendations?

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MR. CEGLIO: I am not really sure of
that. I have recommended to them, the
development that is proposed just south of
the airport that they imply or comply with
some of the recommendations that the FAA has
out there for soundproofing.

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And generally what it includes is sound
insulation in the roof, better doors, triple
insulated windows, that sort of thing. I
don't know if they have adopted any of that.

MR. BAGG: Yes, I believe that the

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Planning Commission, those things that are in the packets are the standard recommended by the Suffolk County Planning Commission.

First and foremost they didn't recommend any kind of residential development in the past for the runways.

And if the towns are going to approve subdivisions that the homes should be noise proof. But I did not believe that the Town proceeded with any of those recommended standards and noise proofing structures.

MS. VILORIA-FISHER: Thank you.

THE CHAIRPERSON: I have a statement that I would like to get you to react to. This comes from the December 15th meeting of the Airport Conservation Assessment page.

And their first environmental assessment notes, they say that the application, assuming that your application failed to disclose that this project sits within the Town of Southampton aquifer protection overlay district, the Suffolk County Pine Barrens and the Suffolk County sole source aquifer. What is your reaction to that?

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MR. SPEISER: The project does exist within those areas. But it will be in compliance with what is going on.

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Basically all of Long Island is a federal sole source aquifer. Not basically. It is.

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Every bit of development, everything that happens on Long Island is within that location. The intent of the development here is going to be in keeping with the ground water.

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In compliance with Article 12 of these tanks it will be in compliance with what is going to be necessary to protecting ground water to the federal source as well as a district.

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THE CHAIRPERSON: So your proposals in no way violate those protections?

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MR. SPEISER: It will help to protect the ground water and therefore it is in compliance with those zones.

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THE CHAIRPERSON: Well I'm not sure by adding jet fuel or anything that it's going to help the aquifer no matter what. But at

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least it's not going to make it worse. Is that right?

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MR. SPEISER: It won't make it worse. And the regulations that are in place, the requirements for what will be with these tanks will have to go in, will be the current state of the art protection for them.

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MR. KAUFMAN: Regarding the aquifer protection district, I do know that Southampton recently, I think it was in 1999, went through a comprehensive plan update.

And if I'm not mistaken, reading from documents that were submitted to us, I have an independent knowledge of it, calls for continued use and development of Gabreski Airport for industrial and recreational purposes.

And therefore any activities have to be in compliance with the aquifer protection overlay district. And that's one thing. That's at the Town level.

To the extent that this is County owned property and to the extent that the County

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regulations supersede to some degree the Town

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of Southampton regulations, are you going to

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be trying, there is a legal split if you will

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between the two.

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Are you going to be trying to meet both

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of them in terms of trying to protect the

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aquifers?

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MR. SPEISER: What is going to be put

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in place indeed would be protection. We

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feel that the current upgrade of tanks that

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are there would offer an additional level of

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protection from what would be currently going

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on and be what is inappropriate with the

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current regulations. And therefore it would

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be applicable to both.

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MR. KAUFMAN: Thank you.

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THE CHAIRPERSON: Another point that was

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brought up. With the increase size of the

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fuel storage that is there, it would allow

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full deliveries of fuel to be made.

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Currently the operation is such that

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they have to have multiple deliveries come on

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a weekend to handle the traffic currently

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coming to the airport.

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And so the fuel trucks stack up. There is additional deliveries that are necessary which just results in more opportunity for spillage if it were to be allowed to occur.

By allowing the fuel storage proposed, we hope to be able to get full fuel deliveries required on a summer weekend.

THE CHAIRPERSON: Thank you.

MR. FULKERSON: Another point regarding fuel is that according to the 1990 airport master plan the fuel storage at Gabreski was 231,500 gallons.

It was reduced from 231,500 gallons to 36 gallons in 2006.

If this project goes forward, it will be a total of 42,000 gallons stored which is still 21 percent of the amount that was stored at one point back in 1990 or which was shown in the master plan in 1990.

THE CHAIRPERSON: Thank you very much. You will be in the audience I presume if we have further questions.

MR. SPEISER: Yes.

THE CHAIRPERSON: At this time I'd like

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2 to get comments from the public. And the
3 first person I have on the list to speak is
4 Jamie Siegel. And we'll give you three
5 minutes.

6 MR. SIEGEL: Jamie Siegel. I am a
7 member of the Airport Community Assessment
8 panel that you referred to in the
9 December 15th meeting.

10 I wanted to talk about the overview of
11 the Committee and how we came to the findings
12 this morning, the three community members,
13 one member of the legislature, a member of
14 the County executive staff, a member of the
15 airport community and a member of the
16 business community.

17 We basically came to the realization
18 after the meeting that generated a 51 acre
19 airport with the backdrop and findings that
20 we submitted to you guys.

21 And I don't know if you have the full
22 report but I have copies for you guys just in
23 case. I know that you have the actual text
24 but I don't know if you have the supporting
25 documentation.

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2 The Committee was created by the
3 Executive Board in 2006. And essentially on
4 December 15th we did meet and we reviewed the
5 application, the EAF that was put in front of
6 us.

7 Our findings basically on the
8 environmental came up that we were going to
9 ask for a type one action from CEQ.

10 We were hoping that we were going to get
11 a type one action. In the future we are
12 going to be coming before you again.

13 This was a very tough deliberation for
14 us. We are going to come forward supporting
15 other actions that are not going to be type
16 one that will be neg decs for other things
17 that we look forward down the pike of things
18 that are coming before us. But this one we
19 thought was a type one action.

20 We tried to be reasonable, thoughtful,
21 and it was a very tough decision. But we
22 came up with a type one on this one.

23 Bob DeLuca who was an ex officio member
24 of the Committee is going to be speaking
25 about some of the environmental findings

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because he can explain them a lot better than I can. But I'm just going to go over some of the lines for you.

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We thought that or they did speak just before us, the gentleman spoke about it and it was an excellent question about the fuel storage capacity.

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I just wanted to point out that the 1990 master plan number was, that fuel storage was not independently owned.

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It was owned by Suffolk County. It was the previous tanks that were Air National Guard tanks.

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That was in use for public sale by a vendor AFBI at Gabreski.

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So when they said the numbers are being reduced to a percentage of that, that is not really a true percentage. The numbers are actually going to be increased but the work plan says that they are going to be increased by 24,000 gallons. And really the 231,000 gallons were never available for public uses.

Furthermore, they say that one of the alternatives on the EAF is to do nothing. If

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they do nothing --

THE CHAIRPERSON: Would you please summarize.

MR. SIEGEL: Yes. Basically we are asking for a type one action. And I'm sure you've read the report and I appreciate it.

And I believe that Bob DeLuca, I'll leave him to go forward now with the summaries on the environmental findings if you would allow him.

THE CHAIRPERSON: Thank you very much.

MR. SIEGEL: Thank you. I'd like to just give this to you.

THE CHAIRPERSON: Fine. The next person on the list is Robert DeLuca. We'll take a five-minute recess.

(Recess.)

(After recess continuing.)

THE CHAIRPERSON: All right, our reporter is back. If we can reconvene, I'd appreciate it. All right, Bob.

MR. DELUCA: Good morning. My name is Bob DeLuca. I also serve as an ex officio member to the ACAP panel.

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And in that role I have been asked to provide some environmental expertise and advice to the panel which some of you may remember years ago I used to get to you on behalf of the County Health Department.

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Basically I have three points that I would like to make regarding largely the procedure.

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And the procedure relates to the decision as to whether or not this is a type one or an unlisted action. I wanted to give you the benefit of my thinking on this as part of your deliberations.

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The first issue which came before us was the size of the project and when it was presented to us the overall size of the project was just over ten acres and .05.

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As you know now, there has been a modification to that which takes the project size to 9.98 acres.

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And 617.4B6 of the rules and regulations governing SEQRA sets a threshold for a type one action. Just over ten acres.

We had a type one action. Now we are

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2 9.91 acres. So I would ask you to consider
3 that as to whether we want to round up or
4 round down when it comes to environmental
5 review.

6 The second matter relates to expansion
7 review. This also falls under Part 617.4B6
8 and relates to the expansion of existing non-
9 residential facilities by more than 50
10 percent of the ten acre threshold.

11 So in addition 50 percent of the ten
12 acre threshold be about five acres. And it's
13 been a bit of a moving target.

14 But as best I can tell, the overall
15 activity based on the project is somewhere
16 around 5.8 acres.

17 I would argue that the 5.8 acres meets
18 the 50 percent of the ten acre threshold.
19 And so that was the basis for a type one
20 classification.

21 Finally 617.4B.10, this portion of SEQRA
22 regs relates to the parkland issue.

23 And this would be any unlisted action
24 that exceeds five percent of any of the
25 thresholds in this section, referring to the

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above sections, the 50 percent of ten acres
or the ten acres.

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And in that case if you have 2.5 acres
that occurs wholly or partially within or
substantially continuous 2.2, any publicly
owned and operated parkland, recreation area
or designated open space, you have a type one
action.

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We would argue that although the
applicant has pointed out his view or their
view that it's a stand alone project, I would
make the comparison that that wholly owned
cheese cake is a stand alone project.

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It is by no means a stand alone project.
It is functionally dependent on the overall
airport facility.

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And the reason that's of some interest
is because in making a determination, you are
asked to look at things like growth, noise,
traffic, air traffic or car traffic.

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And these two items are definitely
related. So the fact that the Quogue
wildlife refuse may be several hundred feet
across the tarmac from the fixed base

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2 operator and that the corps of the pine
3 barrens may be a thousand feet to the north,
4 I would simply ask that you consider this as
5 you would any other SEQRA project where you
6 are asked to look at the overall action.

7 This is an airport use on an airport.
8 Again I don't know the answer to this
9 question. But it may potentially induce
10 growth with the over fixed base operator.

11 THE CHAIRPERSON: Would you summarize.

12 MR. DELUCA: And I think that you are
13 responsible as to certainly take the broadest
14 views that you can. I think that there is a
15 good argument for a type one designation.

16 Even if it is not a type one designation
17 as you know, SEQRA asks that you take a full
18 look at the impact. It's simply lowers the
19 threshold when it is a type one action.

20 A cap was created to increase
21 transparency, scrutiny and public input in
22 the process. And hopefully that is what we
23 have been able to do with the information.

24 I thank you very much for your time.
25 I would be very happy to answer any questions

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that you may have before I step down.

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THE CHAIRPERSON: Ms. Viloría-Fisher.

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MS. VILORIA-FISHER: Thank you. Good morning. I just have a question about the

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increased air traffic. Promoting air

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traffic.

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MR. DELUCA: Good morning.

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MS. VILORIA-FISHER: The presenters

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indicated that indeed what would result would

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actually be or would reduce air traffic

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inasmuch as they said that the aircraft would

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be able to remain I guess overnight. And so

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that there would be a reduction. What is

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your response to that?

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MR. DELUCA: I guess my opinion would

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be that I don't know enough about air

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transportation to answer that question

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specifically.

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This process would allow you to get

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those details. There is a bunch of people

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that live in the neighborhood that might feel

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otherwise.

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So this is one of those areas where

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people, and I have been in this business a

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long time, people regularly say something.

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It may turn out to be true. That's fine.

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The environmental impact statement process gives you the opportunity to lay it out so that everybody can see what the basis for that is. Maybe we can find out more information that way.

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MS. VILORIA-FISHER: Thank you.

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MR. POTENTE: Are there any living concerns with this project?

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MR. DELUCA: Again I try to take my role here as a reviewer from the procedural side. But on the substantive side my greatest concern is growth.

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From what we saw at ACAP, I think that there is enough information to show you in your folder as well.

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This is in a sense a kind of private terminal. It's not simply just making it a little bit better.

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It's a very nice facility that's going to provide a lot of amenities. And there is a potential for that I think to draw more aircraft.

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Now there is another fixed base operator and we don't want to compete with this or risk that business not doing so well.

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So I think that those are the kind of issues that lie at the heart of this. And ultimately the greatest concern here is that we try to maintain the airport in a level and manner that we don't allow something in there that might cause growth inducement that we haven't prepared for.

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THE CHAIRPERSON: Mr. Kaufman.

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MR. KAUFMAN: I noted in several of the documents that were presented to us including the ACAP document that the issue of some of the plans being outdated was raised.

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Is that a policy decision? Or is that something that you simply feel exists? How do I relate that to SEQRA?

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MR. DELUCA: Well I guess I would look at it this way. Since the 1990 mandate, at the airport, the legislation has come into place. And it's put in a number of restrictions at the airport.

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I don't know that one automatically

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trumps the other. If Suffolk County wants

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there to be a new master plan, there is a

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state wide law that oversees the entire

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facility. All of that suggests that the

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value of the plan is diminished over time.

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MR. KAUFMAN: But you also have a

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problem with what you just said. In that

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pine barrens plan the airport is compatible

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growth area.

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Essentially it's a TDR zone. How does

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that outdate the 1990 master plan?

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MR. DELUCA: Well I'm not even arguing

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that this application shouldn't go through.

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I'm arguing how it should be reviewed.

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So I am perfectly comfortable with the

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fact that there is a compatible growth area.

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What I am least comfortable with is that we

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not review with the greatest level scrutiny

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the activity that goes on there.

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MR. KAUFMAN: You do make a point of

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environmental question. How do we review

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it under the standards of SEQRA as opposed to

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policy and whether this kind of an issue,

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whether this kind of growth if you will is

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something that is permitted in the area?

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That's a policy decision.

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MR. DELUCA: Growth inducement is clearly something identified in the regulations that a lead agency has an obligation to take a look at irrespective of any airport policy or pine barrens.

MR. KAUFMAN: We have a 1990 plan out there saying that this is an airport and it shall have some growth to it in its use as an airport.

Also we have a TDR program essentially pointing pine barrens credit toward this area.

We have light industrial zoning by the Town of Southampton which essentially points development toward this area. We don't have restrictions in there preventing certain developments from occurring.

I just don't, even if growth is an issue to look at, I don't see how, I'm trying to phrase the question and I'm not sure if I'm phrasing it correctly.

When we've got a number of programs out

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2 there, I'm pointing towards development in
3 this area. Obviously we have to look at it
4 in terms of SEQRA.

5 But outdated doesn't tell me anything.
6 It doesn't help me make a decision under
7 SEQRA.

8 Yes, I understand that growth is out
9 there. But making just a bald face statement
10 that this is outdated, that's a policy
11 decision each time.

12 It's a judgmental decision as opposed to
13 showing me an actual environmental effect.

14 MR. DELUCA: Sure. You and I could
15 well differ on what the outdatedness of that
16 report would be.

17 I would just say this. I don't think
18 that you need the outdated airport master
19 plan to beg the question as to what the
20 potential growth inducement might be, whether
21 the airport master plan was current or not.

22 I'm just saying that it adds to the
23 weight of evidence that would cause me to
24 say maybe we should take a closer look.

25 And just for example, the Town of

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Southampton and the County Executive have often said that that desire for growth is to argue aviation. If we get some industrial roads here, maybe we'll get less planes.

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MR. KAUFMAN: I'm not sure that you can go that far really. I've heard the statement and I can't make a determination.

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THE CHAIRPERSON: Mr. Bagg.

MR. BAGG: I think it should be pointed out that when you talk about 1990 airport master plan, then you have the STPA plan passed in 1992 which calls for future development and further development at the airport to concentrate development there rather than elsewhere in the area for recharge.

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And you've got the 1995 pine barrens plan or three pine barrens plans which says that the airport should be a receiving area, that it should concentrate development.

It should take those areas or pressure off those other areas in the pine barrens from being developed which normally would.

You have a 1990 master plan update

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from the Town of Southampton that clearly states that the airport should be developed for both aviation as well as industrial purposes.

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So those plans are ineffective on the books. And they all either support future growth at the airport and I would assume that those plans are cumulative growth, future growth in that particular area as opposed to elsewhere in the town in the pine barrens.

MR. DELUCA: Well let me respond this way. Every piece of property in Southampton town has a zoning which describes, that it's going to be residential or industrially zoned.

And every comprehensive plan has gone along with that. That doesn't mean that we stop doing the SEQRA process.

We take a look very carefully when those projects, when they come in to discern whether the project is environmentally harmful.

That's the test. Not that we know it's an industrial area. Whether or not we have

1
2 carefully scrutinized and reviewed the
3 transparent. So that everybody knows what
4 the deal was when it got approved.

5 MR. KAUFMAN: What you are basically
6 saying is that when a project is proposed
7 that it's compatible with the zoning in the
8 area, then it's a neg dec. If the zoning
9 allows it and if it conforms with the basic
10 concept for control of that area.

11 MR. DELUCA: I don't think I said that.

12 MR. KAUFMAN: That's what I'm saying.

13 MR. DELUCA: I said basically the
14 zoning category does not do the SEQRA
15 process.

16 MR. KAUFMAN: I am not saying not to do
17 the SEQRA process. But basically a decision
18 under SEQRA when you say light industrially
19 zoned and an LI zoned application comes in
20 and if it's not going to cause any particular
21 significant impact or something like that,
22 presumptively it's a neg dec.

23 You have to look at it though and see if
24 the issue has not been considered or if it's
25 outside of what normally would be a neg dec,

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then it might not fly.

But if it does conform with what you've got on the books and if it's in conformance in every way, shape and form, then you really got no choice. You have to delay a neg dec on that situation.

MR. DELUCA: Sure. And I think that's the rule of the law. I think in the aquifer protection overlay district, the storage of hazardous materials is presumptively incompatible.

This project proposes, and I'm not saying that this is illegal or shouldn't happen but it proposes to actually increase the amount of a presumptively incompatible use.

MR. KAUFMAN: Obviously we have to think about it. But as you were just saying, that particular overlay district does not ban gasoline sensors.

MR. DELUCA: Absolutely correct. I'm not suggesting also at the end of the day that there is not going to be a fixed base on it or at the airport.

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2 All I'm saying is that there is clearly
3 a history at the airport. And at the airport
4 there wasn't enough attention being paid to
5 these projects when they came before the
6 County and the CEQ and the legislature.

7 These are outgrowths of that. As a
8 policy matter, it seems to me that there is
9 sufficient evidence that the public just
10 wants to know that the most careful
11 environmental analysis is being done.

12 The outcome will be what the outcome is
13 and the public will have to live with that
14 outcome. It lies within your hands to impose
15 the greatest level of scrutiny.

16 I think that there is a substantive
17 basis for it. And I'm not concluding ahead
18 of schedule that it's going to be approved or
19 that you will deny it or that it will be
20 one size or another size.

21 I do presume to know a little bit about
22 the review process. It seems to me that if
23 there is a potential that the project may
24 impart a single environmental impact of
25 significance.

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Then there is an obligation by the lead agency to require an environmental impact statement whether it's a type one action or not.

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I think that's the basic objective here. But I tried to support that with a substantive basis as well as a procedural basis.

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MR. BAGG: One clarification on that, Bob. If it becomes a type one action, it requires a long term form to be filled out. And it requires review of the project.

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And parts two and three are to be filled out. And basically if there is considered a significant impact, it can then be evaluated in a part three. It does not necessarily require the protection of an impact statement.

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MR. DELUCA: Sure.

MR. BAGG: And I would say that probably across the state 95 percent of type one actions do not receive EAF.

MR. DELUCA: Okay.

MR. POTENTE: Mr. Chairman?

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THE CHAIRMAN: Yes.

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MR. POTENTE: In regard to what Jim just said. I would like to put a motion on the floor that this be a type one action.

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THE CHAIRPERSON: We haven't heard all the public comment.

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MR. POTENTE: I'm sorry.

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MR. DELUCA: I'll get out of the way.

THE CHAIRPERSON: Thank you very much,

Bob.

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MR. DELUCA: Thank you very much.

THE CHAIRPERSON: Our next speaker is

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Gail Klyha.

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MS. KLYHA: May I give you some

documents?

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MS. VILORIA-FISHER: You just said that if we take this up, a type one, that it would require part two and part three.

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Part three was done.

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MR. BAGG: That's correct. As part of the package.

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MS. VILORIA-FISHER: That's why I read the noise abatement.

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MR. BAGG: Significant impacts were

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noted. Other impacts were noted. Part three was filled out to review those impacts and whether or not they could be mitigated and whether they would have significant impact on the environment.

MS. VILORIA-FISHER: So if we were to call this a type one, what else would there be presented to us?

MR. BAGG: Well basically once the action has been filed pursuant to SEQRA, it can be that the type one which states that the action is more than likely to have significant impact and may require the preparation of the GEIS, there are unlisted, that requires preparation of forms EAF, parts 20 and 3.

MS. VILORIA-FISHER: But we have parts two and three.

MR. BAGG: It's considered less of a potential impact. And then you have type two action. So the classification and the action when it's unlisted as type one is not necessarily, it doesn't mean anything.

It's whether or not all the impacts were

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covered and reviewed and is a negative

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declaration supported or is further

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information necessary for positive

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declaration and preparation of a GEIS.

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MS. VILORIA-FISHER: Okay. In layman's

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terms what I am asking is that we have

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already done some of the hard look because

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they have given us parts two and three.

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MR. BAGG: That's correct.

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MS. VILORIA-FISHER: Okay.

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THE CHAIRPERSON: Ms. Klyha. You

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have three minutes.

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MS. KLYHA: My name is Gail Klyha.

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Let me just first say the coalition against

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the airport pollution is an appliance of

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neighborhood and civic organizations.

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They are united in concern about the

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development, particularly Gabreski that lies

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beneath it.

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This airport as you know has been in use

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for a very long time. And over the years

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there has been quite a lot of damage done in

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terms of fuel spills and other types of

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contaminants being released and entering the

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ground water.

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The page that I have given you that runs horizontally is a summary of 18 such known or suspected contamination sites.

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And obviously in two minutes we are not going to read all through this. But I would just ask you to take a look at some of the substances that have been released on top of our drinking water supply. The compound and things that I can't even pronounce.

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When we think about cumulative impacts, I would just like to suggest that you are not talking virgin territory here. You are talking about property that is already severely compromised.

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And I would urge that before any further aviation activity is permitted to expand here, you think about the harm that has already been done.

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I would like also if I may, there was some discussion about the GEIS chemicals. I was not at the ACAP meeting but I was told that a representative from the Health Department was there and said that it's

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indeed a hazardous substance under Suffolk
County law.

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If somebody at that meeting could
confirm that, Bob, is that correct?

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MR. DELUCA: I don't know.

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THE CHAIRPERSON: Your three minutes
are about up.

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MS. KLYHA: The other thing quickly
that I would like to point out is that
although we have some very fine legislation
in Suffolk County regarding procedures that
are supposed to protect the ground water
supply, the fact is that these regulations
have barely been enforced.

And there is a document here with
excerpts from the County Health Department
inspections showing that both this applicant
and another fixed base operator at the
airport were not in compliance or did not
comply three years later when the inspector
came back.

Many things had still not been
corrected. In the case of Long Island Jet --

THE CHAIRPERSON: Would you summarize.

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2 MS. KLYHA: When the County threatened
3 legal action. So I think that you need to
4 examine not only the laws that are protecting
5 the ground water but what the record shows
6 about the enforcement of those laws and the
7 willingness of this particular applicant to
8 comply with them.

9 THE CHAIRPERSON: Thank you very much
10 for coming out today. We have a question I
11 think.

12 MS. VILORIA-FISHER: Yes. Thank you
13 for bringing these issues to our attention.
14 I have to be very honest and I don't see that
15 they are particularly germane as to what our
16 decision is today.

17 But I do believe that they are very
18 important that this information be brought
19 before the Legislative Committee that
20 oversees health issues.

21 MS. KLYHA: Right.

22 MS. VILORIA-FISHER: And that you bring
23 those to the Legislative Health Committee
24 meeting, Health and Human Services Committee.

25 MS. KLYHA: Right.

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MS. VILORIA-FISHER: These are process issues that have to come before the legislature or the County Executive.

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MS. KLYHA: Sure.

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MS. VILORIA-FISHER: So I think that it would be really helpful if you went before the Health Commission with this information and you let the legislature know.

MS. KLYHA: Yes.

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MS. VILORIA-FISHER: Thank you very
much.

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THE CHAIRPERSON: Does anyone else
want to speak on this issue?

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(None.)

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THE CHAIRPERSON: Okay. I'll open
the floor for discussion.

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MR. KAUFMAN: I'm looking at the
new information that was submitted to
us as to the new numbers. And I am
also confident that John wanted to try and
make this a type one.

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You have to go by the acreage as an
initial question over here as to what
we type this as. And SEQRA is pretty strong,
the case law is pretty strong in saying that
if it's not ten acres it's not ten acres.

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You can't make your standard on
something like that. You know, it may
approach ten acres. It may get very, very
close.

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But the case law does say that if it's
not ten it's not ten. And a lot of towns
have been, a lot of the developers have been

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able to get in frankly under that particular standard.

So ten is what the State has set up as the standard. Functionally I don't see that much of a difference between the type one and an unlisted.

I am fully cognizant that a type one more often than not has a presumption in it that a pos dec could be issued. And that is I think the question.

But I think that we are all asking the wrong question here. The question I think was not properly raised given the context of all the laws that we have here.

Obviously we have to type it. But the proper question is whether the proposed action meets the master plan criteria and not whether it's a pos dec or neg dec.

The proper question is when you have a master plan that has been adopted and it's got a negative declaration and it provides for growth in there, individual later projects that are undertaken as part of that plan, I use the word "presume", are given a

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neg dec only if they form the mandates of the program.

The only pos dec is if it fails to conform to the master plan or raises an issue. As such only several questions are really possible here in this context given all the plans that would adopt the master plan, the pine barrens, et cetera.

Once a policy choice is made in the master plan, that guides what we are allowed to ask. The basic questions are does the basic project conform with the master plan. Does the project have any plans that have not been considered or planned for.

A master plan is like a GEIS. It gets a neg dec. As I said, we got the '90 master play. That has a neg deck on it.

We have the master plan. We have the STPA. We have Southampton's plan as a receiving area.

The plans all say growth in an airport is okay. And in fact growth is directed towards that area.

The 1990 plan again provides for more

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hangers in this area. There are no limits on fuel storage. There are no limits that might indicate these plans are somehow outdated.

Again the growth issue is specifically considered in each of these plans. It's specifically authorized.

Now I think that our question here that we can ask is whether this action is in conformance with the zoning and the planning that's been established here.

I will say or state for the record that I have seen SEQRA challenges to this kind of a master plan and most of them plan when the master plan has been properly adopted.

The master plans fail when they are not properly adopted in a procedural sense. But in a substantive sense they are usually upheld.

Policy changes as to whether we want to see or not see growth in the airport, that's a whole different question for me.

I think at this point and time this Board is guided by what is in place. If this was a new plan, if we didn't have anything

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over there, my answer might be different.

My answer might be that this might be a pos dec or something like that because we are close to the pine barrens and we are close to this and close to that.

And you have got to be very careful in this kind of an area. We've got the pine barren plans in the area.

But again we are dealing with an existing airport and existing plan. And I think that our real charge here is very unfortunately circumscribed in that sense.

MS. VILORIA-FISHER: Make a motion?

MR. KAUFMAN: I wanted to throw that out to the members before I said anything.

THE CHAIRPERSON: Are there any other comments?

(None.)

THE CHAIRPERSON: I'll take a motion.

MR. KAUFMAN: To get this out onto the floor, I will make a motion that this is an unlisted action with a negative declaration.

MS. VILORIA-FISHER: I'll second it.

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THE CHAIRPERSON: We have a motion and
a second. All in favor?

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(Aye.)

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THE CHAIRPERSON: Opposed?

6

(Two opposed.)

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THE CHAIRPERSON: Three to two.

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We are now open for discussion. I wanted to
discuss it.

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MS. VILORIA-FISHER: I wanted to discuss
it too.

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THE CHAIRPERSON: Withdraw the vote.

13

It's okay with me. Can we add conditions?

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MR. BAGG: Sure.

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THE CHAIRPERSON: I would make a motion
then that the best I can tell is that despite
the fact that the motion passed, there are
some conditions that ought to be considered
when this project moves forward if it indeed
essentially does move forward.

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In particular I am concerned with the
storage of fuel and whether its procedures
that had been suggested are adequate.

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I am also concerned about the storage
water runoff calculations and how they are

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going to deal with that in the coming years.

And I think that those are things where I want to see that we do in fact put some conditions on what this project eventually does.

MR. KAUFMAN: Mr. Chairman, my mind was working the exact same way that yours was. I'm worried about the rainfall.

Two inches is not something that I'm entirely comfortable with. I would like to see a higher rainfall capacity installed.

I do note that the rainfall is going to be caught one way or the other. This is not an area where the water flows away from or is relatively flat.

But I would like to see the catch basins accommodate a three and four inch rainfall. I am also a little bit worried about the deicer in there.

I would like to have that particular aspect of things run by the Department of Health to see if the DOH wants to have some sort of a catch system and catch return if you will.

1
2 THE CHAIRPERSON: Despite all the
3 good things about being able to use this
4 material and food products and so forth,
5 having worked on projects in Jamaica Bay, I
6 have to say that deicers are not really
7 compatible with the environment.

8 And that we should do the very best that
9 we can to capture them and if possible
10 recycle them.

11 MR. POTENTE: I make a motion to close
12 the meeting.

13 THE CHAIRPERSON: We have another issue.

14 MR. POTENTE: I'm okay with that.

15 THE CHAIRPERSON: Thank you. And, Jim,
16 can we go ahead and draft some conditions
17 that will be put on this issue?

18 MR. BAGG: Yes. It can become part
19 of the neg dec.

20 THE CHAIRPERSON: I that okay with
21 everybody?

22 MS. VILORIA-FISHER: I had thought
23 that we were breaking up the question.
24 There were a couple of things that I wanted
25 to say.

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Any reason for supporting the neg
dec is that although we are going to have
a larger capacity in our fuel tank, I
believe that the issue that was presented
by the group was that that would result
in a fewer fuelings, refuelings.

It would require fewer instances
of refueling. And that's usually when
you have the greatest potential of
introducing these chemicals to the
environment. As I say, refueling instances.

The other is that I believe one of the
other issues that was brought up is that if
you could have a larger tank and you have
less truck traffic with tanks coming in for
the refueling. So you would actually
mitigate some of the traffic issues with
regard to trucks.

I believe that safety in an airport
is very important. And crowding could be a
problem.

And we have to keep an eye on what kind
of introduction of air traffic results in or
the County has to keep an eye on that. Those

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are policy issues.

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So I feel fairly comfortable with the presentation. And I believe that we have listened to the community and the County has paid attention to what the community has said. And we responded to that. Thank you, Mr. Chairman.

THE CHAIRPERSON: Thank you. Are there any other comments?

(None.)

THE CHAIRPERSON: Okay. So we'll move ahead and we'll draft some conditions as far as the negative declaration.

Next on the agenda is the Police, Smithtown Police Department. Bear with us one moment.

Just for the record, Ms. Stiles has rejoined us after recusing herself from the last discussion.

MS. VILORIA-FISHER: Can I just say something while they are setting up?

THE CHAIRPERSON: Sure.

MS. VILORIA-FISHER: This will be the first project to be built for the Precinct.

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I have been waiting a long time to see that law be utilized.

I worked hard to get that passed. And it's been a while since it's been passed.

So, Mr. Chairman, I just wanted to ask if at some future meeting it could be put on the agenda instruction to CEQ on some of the criteria for the buildings.

And perhaps Joe Schroeder who is in the legislative review office as our energy man could come and give a presentation on the criteria.

Because when we review the final building project, we will have to incorporate some of the green building criteria in our determination.

MS. SQUIRES: Are those standards available?

MS. VILORIA-FISHER: I thought they are without a doubt listed in the building council.

MS. SQUIRES: What we adopted under the resolution is part of the attendance of what I introduced regarding the green buildings of

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Suffolk County. And it's under my
legislation.

THE CHAIRPERSON: Ms. Stiles.

MS. STILES: Was there a law passed
in Suffolk County that this type of project
is going to have to obtain recertification?

MS. VILORIA-FISHER: Yes.

MS. STILES: I'm sure that the project
applicant will explain this further. But
I thought that from reading it that it comes
pretty close but it doesn't actually obtain
certification.

MS. VILORIA-FISHER: I didn't read that
part. It has to achieve certification.

MS. STILES: I guess we'll discuss that
issue.

MS. VILORIA-FISHER: And we will have
something to talk about, recertification
standard. We need someone from our budget
review office.

THE CHAIRPERSON: Go ahead.

MR. LARSEN: I'll get started.

THE CHAIRPERSON: Identify yourself.

MR. LARSEN: My name is Keith Larsen.

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I'm the Assistant County Architect for the Department of Public Works and the project manager on this project.

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Before I introduce everybody that is sitting beside me which is the members of the design team, I would just like to say that we are very excited to be here at this point.

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Because this does represent the progress that we are making toward completing the last of the police precincts, major renovations and/or reconstructions.

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If you recall, a couple of years ago we did the 6th Precinct in Selden. That was very successful.

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This is a similar building in size and requirements including parking and so on. And our consultants will illustrate that with their presentation.

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I would just like to say that we are also excited about the lead aspect of the project. And we have incorporated a lot of sustainable design items into the building as well as green building technologies which are

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summarized in your handout, at the end of
your handout.

It is a point system and we have
designated several points in order to meet
the minimum recertification without actually
having to go to the green building council to
have it certified.

MS. VILORIA-FISHER: And if I could just
answer Ms. Stiles's question regarding that.
So, Lauren, what we did in my legislation was
that we would have to be able to achieve
recertification to the point, get the number
of points that would be required.

But we wouldn't go through the
application process, through the United
States Building Council to get the official
lead certification.

That we would get the points that would
allow us to achieve that. But we wouldn't
have to go through the process. And I think
that clarifies that question. Thank you.

MS. STILES: Can I ask a follow-up
question on that?

THE CHAIRPERSON: Yes.

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MS. STILES: I am not criticizing it.

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I think it's great that it's going in the

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direction that the legislature would pass.

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But on the bottom of the page it says

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a lead certification requires at least 26

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points. And this one right now only has 24

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points and there's 22 likely.

9

I'm just trying to make sure that we are

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on the same page. I just want to know where

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you are getting those extra two points from.

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MR. LARSEN: I'll let the consultant

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answer that question once we get into that.

14

But we have identified points that we will

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definitely be taking.

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And then we have 22 additional possible

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points. So we have the potential of getting

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30 to 40 points on this project and exceed

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the minimum standard.

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MR. KAUFMAN: Just for the record,

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Gloria Russo asked me to place this on the

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record today. She noted the same thing that

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you see, Lauren. And she was going to be

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bringing up some of the points too.

25

MR. LARSEN: Now strictly the budget

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2 project is 14 and-a-half million dollars. In
3 addition to that, we received a \$600,000
4 grant from LIPA for a photo voltaic system
5 which is a solar panel system which will
6 generate electricity.

7 And that's being incorporated into the
8 building. And in fact we would get a lead
9 credit for that.

10 Just very quickly. The site selection
11 for this building was determined by several
12 factors. And one being that it's a very
13 large vacant site located within the North
14 County Complex where we are today.

15 It's just east of the legislature
16 parking lot. And it is a quite visible site
17 in terms of police access. And it was
18 something that was expressed by the police
19 that they would have a presence on the site.

20 The other item is that being put on this
21 campus we wouldn't need to install another
22 fueling facility similar to those that are at
23 the more remote precinct sites.

24 This saves us money and it also saves us
25 a potential for any type of environmental

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spills.

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And the other thing was that, and there are several other utilities on site such as the sewer plant which will support this construction.

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So with that said, we feel that it's a very good project for the environment. It has very low impact on the site here.

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And we will get more into that in our discussions. And from here I'd like to turn it over to the consultant and the lead firm of the Baldasano Architectural Group along with their consultant Emtec Consulting. They are mechanical electrical engineers who are lead certified.

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We also have representatives from McLean Associates who spoke previously. They are doing our site civil package.

And we have a representative from Steven Winter's firm which is a nationally recognized firm that deals with the lead component of our project.

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So with that said, I'd like to hand the microphone over to Alex Badalamenti from

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the Baldasano group.

MR. BADALAMENTI: Good afternoon. My name is Alex Badalamenti. I am a principal at Baldasano Architecture.

I am here with our founding principal Charles Baldasano and with Phil Monastero. The three of us will make the design presentation.

And as Keith mentioned, we do have other consultants available for questions and answers if they come up.

First of all we'd like to applaud Legislator Fisher for the initiative taking place here. We'll try to be brief here.

But we are very compassionate about the building, about the design and also I believe initiatives that are part of this project.

It's a good thing for the County. And I believe that it is the flagship for the County initiatives.

As architects working on Long Island, we have a 33 year history. And we are dedicated to quality architecture on Long Island.

I won't go into the project but for the

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County we just finished the Civil Court in Riverhead which is a great success.

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The site as mentioned is the new construction of a new 4th Precinct for Suffolk County Police. The site plan shown in front of you is the County owned land called the North County Complex which comprises approximately 67 acres.

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I'm outlining it in yellow. On the left hand side is Old Willets Path. It's bounded on the west.

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To the north it's bounded by residential districts. To the east is the County owned sewerage treatment plant.

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Further to the east of that is Blydenburg Park. And to the south is Vets Highway, Nesconset Highway running along the southern portion.

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In siting the building we are very conscious of working with the police. The location of this building not only to the context of completion but also towards visibility to the police as Keith mentioned earlier.

1
2 0 There are approximately 22 buildings on
3 this site. Our particular site and location
4 is approximately 3.2 acres of affected land.

5 We have located the building at the
6 southeast corner of the site in red. The
7 Police and the County were very concerned
8 with access in and out of the complex for the
9 police. Also relieving the traffic on Old
10 Willets Path.

11 We were also concerned with the
12 visibility as mentioned about not only of the
13 police seeing the community but also the
14 community seeing the police. We think that
15 it's a very good statement for the County,
16 the security and it's a safe zone.

17 The alignment of the building, we have
18 taken into account the context of the site.
19 To the west and the southwest further over is
20 the existing clinic building.

21 In the middle is the existing, where we
22 are today in the legislative building. And
23 to the east our building.

24 We have aligned all three buildings so
25 that we continue the original master planning

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emphasis on the street front that's there.

The southeastern corner we have also been very conscious of the grading in place and the trees and maintaining as many trees as possible. We have designed the building and parking around the significant trees in that area.

The eastern access road which I believe is called County Route Road or North County Extension, a couple of names, that will be the major ingress and egress to the site.

This illustration was our original concept drawing for the building. What is important is that it's borne out of the landscape.

We are very conscious of the visibility of the building but also the surrounding context of the trees, the natural landscape.

As architects living and working on Long Island, we are also very concerned about our natural environment and priorities. We worked with the grading of the building.

We have earth bermed the lower levels of the building also for the advantages. And

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the orientation in an east-west direction of the building gives better exposure to the north and south of the building or lead initiative.

With that I'm going to pass to Phil who is going to go through the current design of the building.

MR. MONASTERO: My name is Phil Monastero. As was just pointed out, the design of the buildings really center around the site and the environmental issues that it tries to control.

And really once you enter the site off the east road access, our main entrance will be off the campus road.

It would bring the public into a parking area in our northeast corner of our site. So at the face of the building the entrance will actually face the campus on the campus road.

When the public drives in, they will see the entrance. As soon as they drive in, they will be able to drive onto the site going through a treed area that will maintain the park and enter the site on the north side.

1
2 there is an opportunity to use overflow
3 parking on the north and a walkway in case
4 that parking area gets crowded from the
5 public.

6 But the site that was mentioned is
7 designed and the building, I'm sorry, is
8 designed on the east-west access.

9 So it's a rectangular building allowing
10 a more southern and northern light to enter
11 the building. And having less light on the
12 west side which will increase.

13 One of the parameters that we started to
14 design was a parking area on Vets Highway to
15 maintain a 60 foot setback off Vets Highway
16 and also maintaining as many trees as we can
17 on Veterans Highway. I'm asking at the same
18 time to shield the parking from Veterans
19 Highway.

20 The lower right hand corner of the
21 entrance, the southwest corner of the site is
22 going to be graded so that the building will
23 look like it starts to draw itself out of the
24 landscape. That will mainly landscaped.

25 We are going to prune some of the trees

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there to get the visibility of the building.

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But the building will really look like it's

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in a wooded area from Veterans Highway.

5

The parking area that surrounds it is

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also for police for their detectives and

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administrative use and also the crime unit

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patrol cars will be parked there. And you

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can see the parking area just to the west

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will remain intact as is.

11

Just briefly I'll show you the floor

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plan. This is the main floor plan where the

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main entrance is on the north side entering

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the main desk area.

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And to either side will be the criminal

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processing which will also be on the ground

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floor.

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What is interesting about this is that

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you will see the administrative areas and

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detectors will have south facing areas. They

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will have views to the outside.

22

We'll go to the lower level. The

23

concourse area has not only mechanical rooms

24

and lockers but also an exercise room and a

25

lunch room.

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Those two rooms will open directly to that lower area on the southeast corner. That is going to be landscaped.

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Those two rooms, the exercise room and the lunch room, will get some light as well. They will have views onto that area.

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Then the second floor comprises of community areas, community meeting rooms and the commanding office and administration rooms. Again south facing glass allowing views to enter.

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One exciting part about this is that this main desk area will be open to the second floor as well. So that the views, the sunlight will start to come into the building and penetrate the interior of the building.

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So that all the rooms around that interior main desk will be flooded with sunlight. And we feel that that's part of the initiative.

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We are trying to create an environmentally sensitive building as well as the interior workings. People that work in this building will be able to see each other.

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There will be staircases that they use and light will really flood itself into the entire area.

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As we start to look at the elevations, I'm sorry, the roof plan is where we start to see. There will be a penthouse with mechanical equipment. All of this area on the roof will be used for mounting of the PB cells.

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This way it uses the roof and it's also going to be visible from the road. And we'll show you that in a second.

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The elevations, this is the south elevation where there is glass in that little area where the light will start to get into the main desk area from the second floor.

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The other areas are administrative. This is that south area that's in the lunch room and the exercise room on that corner as soon as you enter the building.

22

23

24

But we are trying to create a building, I'm sorry, PB cells are located. They will be visible from the roof.

25

And the whole building, what we are

1
2 trying to do is being sensitive to the campus
3 and the building that we are trying to create
4 is visibility on Veterans Highway.

5 We are trying to use the materials that
6 are also on the campus by using brick and
7 glass and metal. We feel that the building
8 should somehow relate to its context but at
9 the same time kind of stand separately as the
10 building of this lead initiative. And we
11 really wanted to use materials that kind of
12 emphasize that.

13 You see on the north side now that it's
14 a two story element. This is a brick facade.
15 The main entrance will be here.

16 And what is not shown in here is the
17 trees and the vegetation that will really
18 kind of also frame the building.

19 You can see that the west elevation has
20 less glass. And the brick will start to
21 relate itself to the legislative building.

22 Then here you see some of the images
23 that the view of our top is a view from the
24 entrance drive in from Veterans Highway.

25 This is at the southeast corner. The

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lower level of the exercise room and the lunch room, the administrative offices, the drill and detectors on this floor and the central atrium into the main desk area.

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It's all being driven by the landscaping. I'm sorry, the solar screening.

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We are providing a solar screening to reduce the light on the administrative areas. So we are using materials and techniques to reduce heating as well as make this building really feel like it's part of the environment and part of the landscaping.

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As you can see from the roof here, the PB cells are on top. The building, but also breaking down the composition of the building, one and two stories, the volume that will be seen from the campus kind of breaks down the mass of the building.

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You can see here how it will grow out of the landscaping on the southeast side. The parking will be shielded from trees and the trees are in the back grouped.

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There are two major trees that we are maintaining and keeping on the site. So it

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will be framed by those trees as well.

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And of course we have an animation.

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Hopefully we are not driving too fast when

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you see that. And there will be a lot of

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trees especially in this area.

7

MR. KAUFMAN: I have a question.

8

One quick question of the two big oak trees.

9

MR. MONASTERO: Yes.

10

MR. KAUFMAN: Are those going to be

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within the fall zone of the building? In

12

other words, if branches start breaking off,

13

are they going to collapse?

14

MR. MONASTERO: No. If you look at the

15

site plan, let's go back to that. We have

16

created islands around those trees.

17

And we have tried very hard to stay away

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from those trees in any way that is

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detrimental to the trees or buildings. I

20

don't know how far a branch will fly.

21

MR. KAUFMAN: It's flying vertically

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as opposed to horizontally. I just went

23

through that at home. So I'm kind of

24

cognizant of it.

25

MR. MONASTERO: There are no windows

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on that side on the lower level anyway.

3

But we took those trees into great

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consideration when we designed this.

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MR. KAUFMAN: Thank you.

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THE CHAIRPERSON: I have a question if

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you don't mind with regard to overall effort.

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I'm sure you're all well aware that police

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buildings get an unusual amount of wear and

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tear.

11

And I guess I'm concerned that you're

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doing all these wonderful things for a

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building that would be a great office

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building.

15

But is the utility of this building

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being compromised so that, you know, six

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months after the building is opened the

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various materials are starting to be shredded

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just because of the nature of the work that's

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there?

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And secondly, these buildings are

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designed for an atmosphere at the time of

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construction. And government has a very bad

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propensity for no sooner than you move in you

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start reallocating space.

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2 And so that the original design concept
3 to conserve energy, to conserve heat and so
4 forth is certainly out the window. And you
5 have a box that is no longer efficient at any
6 length.

7 And I'm just wondering, do we have a
8 commitment from the legislature that there is
9 going to be some light on how this building
10 is going to be torn apart in the future?
11 And, you know, sort of practical questions.

12 MR. MONASTERO: Well when we designed
13 the building, it's with the use of the
14 interior partitions. Concrete block walls
15 are painted block walls.

16 So the interior of the building will
17 maintain its durability. And we have
18 designed that into it as well as using green
19 building materials, carpeting and tile and
20 paint and things like that.

21 They are still green and yet durable.
22 The essence of the building though, the
23 inherent part of the building can't really be
24 altered in terms of the atrium and the
25 exterior materials.

1
2 I mean, inside they are flexible enough
3 to change. But I think inherently built into
4 our designs are other systems that really can
5 accommodate a lot of different uses.

6 But I don't think that the building
7 itself would change. And we would really, I
8 mean, the DPW gave us a list of
9 specifications and we maintain that finish.

10 MR. KAUFMAN: I think your safest course
11 would be to not allow CEQ to be there.

12 THE CHAIRPERSON: Thank you.

13 MR. BALDASANO: Charles Baldasano.
14 I just want to take the opportunity to thank
15 you for presenting this exciting project.

16 As you can tell, this is multifaceted.
17 There are a lot of issues that we had to deal
18 with.

19 And certainly the most prominent are
20 leads processing and being sure that we
21 incorporate as many of these elements as
22 possible.

23 And you can hear the description and
24 passive solar energy and active solar energy,
25 mechanical systems taking full advantage of

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the nature of the site.

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It is a flexible building in the sense of interior partitioning that is able to be relocated to some degree.

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There are some as Phil described block walls and permanent construction. But it is flexible to that degree.

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Because in the 21st century design we have more free stand and open stand structures allowed for flexibility.

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Do we foresee with the County in the future it being a totally different building and use? That's hard to predict.

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But the very nature of the building is to be very sensitive to the environment. And that really was our charge.

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And we thank you again for the opportunity of presenting it. We have several experts here for Q and A. And we invite your questions.

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THE CHAIRPERSON: Are there any questions?

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MS. STILES: Yes. The larger square like aspect of the building on the east side,

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I want to mention that it was solar screening. Is it a screen over windows or cement? I'm not sure what it is.

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MR. BADALAMENTI: It's a stainless steel mesh on the building. And it's over an insulating glass curtain wall system. So it's energy efficient plus it cuts down the solar gain.

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MS. STILES: You can see?

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MR. BADALAMENTI: Absolutely. It's transparent. It's actually translucent.

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MS. STILES: I worked in a County office building.

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MR. BADALAMENTI: In this case a shading.

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THE CHAIRPERSON: Mr. Kaufman.

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MR. KAUFMAN: I'm concerned about the parking on the south side of things.

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I'm looking at the legislative block. And to my memory it's usually not very jammed. The working legislative lot is pretty jammed.

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My question was going to be, if we could see our way clear to maybe not having the

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parking on the southern side, the 46 spaces,
and possibly having the overflow parking.

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But that may not be possible.

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MR. LARSEN: Yes, I would like to
answer that. Basically the program is
150 spaces. We could only fit 118 on site
with the constrictions of the actual piece of
land.

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So there is a large requirement for
police parking. It's their personal vehicles
plus squad cars.

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We envision the personal vehicles to be
on the south side which would be a more
secure lot for the police.

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That was a concern of theirs as well as
we didn't want to overlap with the
legislature lot.

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Because we felt that, you know, although
it does not get used all the time to its
capacity, it's there and it was designed for
the legislature.

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And that if we did need any additional
spaces, we would locate them across the way
on the other side of the road by the Labor

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Department buildings.

There are also several divisions. There is a detective division which is located on the north side. And there was also public visitor spaces located there as well.

So if we did need any additional parking which at certain times we could need an additional public usage that they could use the lots across the street and certainly walk across the street and down the main path to the entrance of the building.

We didn't really see any way of relieving the site of potential parking. To the degree that we also did not want to impact the whole side and tear out all the trees.

I mean, we are very sensitive I believe to that aspect of it. There will be quite a large buffer there still if you are going down Vets Highway, especially heading east.

You really won't see the building until you really get right at the corner of the site, even in the wintertime.

Because there a lot of evergreens in

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that area and there is a lot of underground.

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So we are very sensitive in maintaining and

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preserving those areas.

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THE CHAIRPERSON: Thank you.

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MS. VILORIA-FISHER: I have a couple

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of questions. Are there any ventible or

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windows that open?

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MR. LARSEN: Not at this time.

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MS. VILORIA-FISHER: That's too bad.

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THE CHAIRPERSON: The criteria. The

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lead criteria.

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MR. LARSEN: Part of it was security

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also I might add.

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MS. VILORIA-FISHER: Security?

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MR. LARSEN: Yes.

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MS. VILORIA-FISHER: With regard to

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commissioning, would that be Emtec Engineers?

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Would they have the commissioning piece?

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Who is doing the lead training of County

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people and who would be involved in the

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commissioning?

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MR. LARSEN: Well we are going to

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be hiring a commissioning agent through

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our project manager who is the firm of

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Cashin Associates.

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MS. VILORIA-FISHER: So it's not any of the people that you have already mentioned?

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MR. LARSEN: No.

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MS. VILORIA-FISHER: Okay.

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MR. LARSEN: We in the Department of Public Works have received some training, you know, through the consultants. But that's one of our goals is to be more educated in that area. Being that my large project that is going forward is also going to have to be received favorably.

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MS. VILORIA-FISHER: Just so I know. The 4th Precinct was supposed to be a pilot project. But it took so long that I went ahead and did the rest of the lead regulations.

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Because we just couldn't keep waiting. We were supposed to be groundbreaking.

In any case, the original legislation did call for training of people in the County and in the lead criteria. So that has been going on?

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MR. LARSEN: Yes, that is correct. We are arranging for several seminars from the Steven Winter's firm here being represented.

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And it is our goal to have several people in our office to be lead certified.

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And we also have an energy engineer in our office. That is Javad Ashram.

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MS. VILORIA-FISHER: Is he a County employee?

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MR. LARSEN: Yes. He's under Tom

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LaGuardia's facility as engineering. So we are very familiar with the principles of the lead system.

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All of us in our office since we are headed that way, I'm going to try to obtain some type of a certification so that we can deal with it individually.

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MS. VILORIA-FISHER: Okay. Are we now members of the U.S. whatever the council is? Do we have membership? Because I know that there was a little problem.

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MR. LARSEN: I am not sure of that. I will check on that when we get back to the office.

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MS. VILORIA-FISHER: It's just easier to access all of the information and lead has changed in the years that I have been working on this and criteria have changed.

What are we up to now, lead four? Do you know? When I first introduced, I think I introduced the legislation and we were at lead two.

MR. LARSEN: We were doing 2.1 and I know that it has changed and upgraded each year. And I guess as per the legislation we are going to keep referring to the 2.1 unless something else changes to amend that.

MS. VILORIA-FISHER: I would just like to know that the Department of Public Works is aggressive in whatever new changes they are making.

MR. LARSEN: We are aware of the changes, yes.

MS. VILORIA-FISHER: Okay.

THE CHAIRPERSON: Yes?

MS. STILES: I just have a question. I'm looking at, there's a little annotation on page 2 of the summary charges. It says

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November 16th.

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It indicates desire for exterior lighting. I'm not sure who that email came from. But that's something that I think would be great for the type of building.

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And I understand that the primary purpose of the building is to use, security has to be the number one concern. But I am not really sure.

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It says after that the high level lighting for security will most likely not comply with this credit. But I'm not sure how full cutoff lighting can't provide high level lighting.

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I think that maybe there's some confusion that full lighting has to involve low lumens or low wattage.

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As I understand it, full cutoff lighting is not shining up on it into the outer space. I'm pretty sure that criminals are not coming from out there.

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So I am concerned about the way that or your designers could perhaps explain that or look into that. That's a way to get credit.

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MR. LARSEN: Yes. I have someone here

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to shed more light on that so to speak.

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But the County does have a very compliant law

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which we do on every building project.

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So that's something that is mandatory

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that we do. But I'll hand it over to one of

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the engineers to maybe shed some light on it.

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MR. HIGGINS: My name is William Jose

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Higgins. The name is Veridian Engineering

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Environment, formerly a division of Steven

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Winter Associates.

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In direct response to that question, the

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design team is doing as much as they can to

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comply with the lead criteria for this credit

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in that they are considering a full cutoff

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fixture and so forth.

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But there is a high level of lighting

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required for this type of facility which will

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most likely, I can almost guarantee, will not

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get to all the levels.

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Because there is also a level of not

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just blocking the light pollution into the

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sky, into the neighborhood. There is also a

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maximum lighting on the site itself that this

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type of facility would be almost impossible

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if not very difficult to comply with.

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So the comment is basically saying, you know, they are looking at the full cutoff and

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they are trying to reduce the amount of

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pollution to the environment, to the air, to

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the neighbors and so forth.

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But the actual foot-candle levels on the site will most likely be above the maximum

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requirements by lead.

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So the credit won't be earned but they are going to go, you know, at least get as

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far as they can. And there's been a lot of

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lead credit that they may not be allowed to

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do. But they will try to do as much as they

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can anyway and that will be noted in their

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report.

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MS. STILES: But the footnote is not indicative that full cutoff cannot be used.

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It probably won't be met because of the

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wattage of too much.

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MR. HIGGINS: Exactly.

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MS. STILES: Okay.

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THE CHAIRPERSON: Vivian, I have a

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question. And this goes more to maintenance as opposed to construction.

MS. VILORIA-FISHER: Right.

THE CHAIRPERSON: But a number of the credits that we pick up on, in fact they depend upon the fact that originally they were going to put low flow water fixtures and they are going to have, again my concern goes to the County's commitment to enforce the use of these things and training of the people that are using the building to make sure that they understand why they are there.

And then as soon as one of them breaks down, it's not going to be re-piped for three gallons or seven gallons, et cetera. How do you handle that?

MS. VILORIA-FISHER: That's a really good question. It's something that I have been concerned about since I had been working on trying to get clean buildings.

That's why I asked DPW about having people for our County employees who are trained. I think that's why the commissioning process is important to have

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people that are trained to maintain these systems the way they should be who will maintain through the regular maintenance according to standards.

And I have been assured by, well formerly by Charlie Baldasano that the County had been moving in that direction. Because we have had other pieces of legislation that had been moving in this direction.

For example, the use of green products or green cleaning products, different types of practices that we had that really have become best management practices in so many parts of the United States and other municipalities. Correct me if I'm wrong on any of this.

But I believe that because we are realizing a savings to the County in maintenance operations cost, because if there is a spike in construction, we will realize a savings in MNO through the years.

And there had been more and more studies indicating that when you use materials that aren't noxious to individuals that you have

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better employee health and better employee attendance.

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I'm disappointed about the ventible windows because I think that is something that is very good for employee health.

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But I assume that we'll have good filtration in the systems. You know, there is a problem in the 6th Precinct with some mold in the downstairs level. It was a very well insulated building.

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Unfortunately people's leather jackets were in the lockers downstairs. So I'm hoping that we have those levels of filtration that we should have.

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Because again that's good for employee health. So we not only want to protect the environment. We want to protect the environment of buildings for those people who are spending most of their day in the building.

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So to answer your question, Larry, I think that we are doing everything that we can to make sure that we maintain an ongoing consciousness of how our buildings are

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operating over the long haul.

THE CHAIRPERSON: Thank you very much.
Joyce.

MS. SQUIRES: This is a question
regarding economics. And I think that it's a
public relations question.

Is there anything that is going to show
that this is economically advantageous to the
County to use lead standards for public
relations purposes for the County and then
say, look, we built this kind of building and
it was certainly environmentally sound? But
it was also economically sound.

And I would be very interested in
looking at that. If you could refer me to
something.

MR. LARSEN: Yes, I'd just say very
briefly that as part of the legislation we
have to report back to the full legislature
on I guess the results of the building.
In other words, prior to design being
completed and then after the building is
built and occupied.

So we will have some direct information

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on actually how we did in terms of energy

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efficiency. And we'll see that, you know,

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we'll see that in the bills that we get,

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B.S. Oil and so on.

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We can compare that to other similar

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buildings that we have in the County.

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We have been doing that type of analysis for

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quite some time. And it is a little more

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expensive to build a building of this

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quality.

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But overall in time the payback is

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there. I'm not sure how many years that will

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take.

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But it's not only a cost thing. It's

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also an environmental type, you know, of

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factor which really you can't place a cost

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on.

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And I think that it's a good opportunity

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for the County Executive to, you know, report

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this type of issue to the public in that this

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is the way that the County is headed in terms

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of all the building projects in the future.

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So I think that it's a very positive

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thing for the County. And I applaud

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Legislator Fisher for passing that
legislation and pushing for it.

I think that it's a very good thing
and the rest of the country has really gotten
on board with this.

THE CHAIRPERSON: Were you having a
lawn sprinkler system put in?

MR. LARSEN: Excuse me?

THE CHAIRPERSON: Will there be a lawn
sprinkling system?

MR. LARSEN: We will have a fire
sprinkling system.

THE CHAIRPERSON: Lawn.

MR. LARSEN: I'm sorry, lawn?

THE CHAIRPERSON: Yes.

MR. LARSEN: No, the County policy is
really no irrigation.

THE CHAIRPERSON: You're going to take
some of that effluent and sewage treatment
plant?

MR. LARSEN: We'll also keep all our
storage water on site rather than discharging
it to other systems on the campus that go
into, you know, neighboring ponds and things

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like that.

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THE CHAIRPERSON: Legislator Viloría-Fisher.

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MS. VILORIA-FISHER: I notice that you have the carpooling parking spots that are closest to the building. How much is that being encouraged in a real way in the Police Department? Do you know?

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I mean, obviously you have been working with the police officials. Do you know are they going to be sending out memos to the people and the police officers and clericals in the building to try and do carpooling? Is this going to really be pushed?

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MR. LARSEN: I guess that's up to the powers that be. I know County wide there was a push for carpooling. And I'm not sure how well it did.

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But it's probably a little more problematic for the police. Because they are working different shifts. They are coming from different areas.

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It's really hard for me to comment on that. You know, we will be a proponent of

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that.

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However, I'm not sure as to, you know,
the full or what will manifest out of that.

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MS. VILORIA-FISHER: I'm just asking
that we have a conversation with the Police
Department, with the administration, that it
be something with which they are coactive.

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MR. LARSEN: Yes.

MS. VILORIA-FISHER: And I didn't
mention that it's written here. But there
are a number of buses that run right along
the front of where you will be putting the
building. And that's good for public
transportation and that gets points.

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MR. LARSEN: Exactly. There is a bus
stop right at the corner now which is a
plus.

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THE CHAIRPERSON: Thank you very
much. Ms. Stiles.

MS. STILES: I'll try and make this
quick. I did have a question about the
fueling station. I guess you will be
installing a new underground storage tank
in the northeast part of the property.

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Is that correct?

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MR. LARSEN: There is currently a general fueling station at the northeast area which is used by all County vehicles.

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Right now the police are using that. Since the 4th Precinct is presently on the same campus, you know, on the northwest side.

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It was originally a fueling facility at the existing 4th Precinct which has since been shut down and the tanks have been removed.

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We are adding a generator to the fueling station so that if we do lose power there is always fuel there. We thought that was very important.

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MS. STILES: And since you are adding that, are you removing vegetation from that area at all?

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MR. LARSEN: No. It's actually an above ground tank. It has a small tank on it which will provide a certain amount of hours of operation.

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MS. STILES: Okay. I was asking that

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because I'm sure you thought there is an endangered New York State species located sort of in the park area.

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And there is an Atlantic white cedar colony out on one of the islands. And I just know from experience that sometimes the natural heritage reports are close but not exact.

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And in the DEC letter it even says this information should not be subject to the site survey.

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And I was just wondering, has anyone from your team gone out there and just checked to make sure that the listed species of concern are not residing on the site where there is vegetation to be removed?

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MR. LARSEN: I could defer that to our site --

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MS. STILES: I'm just asking about anyone.

MR. SPEISER: Andrew Speiser. Our recommended architect inspected the site. Our landscape architect did not identify the post species that the New York State

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DEC identified as being associated as

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habitat for that.

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MS. STILES: And he was looking for

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that when he was out there?

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MR. SPEISER: Yes.

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MS. STILES: The other question I

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have is on the lead summary chart, page

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four, energy credit six talks about that

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the County is currently buying green

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power.

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And the County may be able to earmark

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a small amount of that for this project to

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get the lead certification.

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I'm really glad that you are trying to

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get the lead certification. I kind of feel

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like it's kind of like cheating on taking the

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green power and allocating that to the

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project.

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They are not really offsetting anything.

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The non-green power will then have to replace

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whatever else in the County that green power

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was originally used. Is there any

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consideration by additional green power to

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meet the lead certification?

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MR. LARSEN: That's a good question.

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We had discussions on that. We are buying

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green power. But we can't attribute it to

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any specific, you know, building or anything

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like that.

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So we were toying with the idea of

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if we take it we'll only take it once.

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In other words, if we use it on this

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building, that would be it.

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We can't use it again on any other

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building. Because again it is sort of like I

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guess cheating. We may not take it at all.

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It was a possibility.

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It's still up for discussion. Our

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engineer in our office didn't think that it

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was, you know, a viable credit. But we

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haven't finalized a list of credit yet.

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MS. STILES: I mean, if there is a way

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that you can figure out an energy budget for

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the building to sort of just ask the County

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to buy that much more green power.

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It's something that you can allocate to

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that building. That seems like a good way to

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get the credit.

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MR. LARSEN: That's definitely a possibility. We are going to look into that. Right now the consultants are doing the energy modeling and we'll have better feedback on that when that comes in.

MS. STILES: This is the last thing and I promise it's quick. The last page of the summary chart talks about a lead innovative credit that we can get for maintenance and best programs.

And being that we are all familiar with this, I'm just wondering, it says at zero in the post credit column.

I mean, the future of the County passed laws about the use of County pesticides on County projects.

Is there a way to get a credit for that? Or has that been ruled out?

MR. LARSEN: That's a very good point and something that we could look into. I know that the County does have a good pesticide policy. And we will definitely consider that.

MS. VILORIA-FISHER: There was a

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question because we are talking about
projects. We have a very tight policy on the
County.

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MS. STILES: Just to clarify what
my question was.

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MS. VILORIA-FISHER: I'm sorry.

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MS. STILES: On the last page of the
summary chart it says that we can get
a lead innovation credit or one credit.

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And then the section where we are
listing how much credit you will get, it's
zero. I thought that the County probably
already requires that anyway.

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So you could probably get an extra
credit there. I just wanted to know why.

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MS. VILORIA-FISHER: Couldn't that be
cheating again? We already have green
energy.

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MS. STILES: I don't think so. It's
not setting off anything else.

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THE CHAIRPERSON: We'll just take a
few minutes.

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(Recess.)

(After recess continuing.)

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THE CHAIRPERSON: All right, we can reconvene. Can I have a motion?

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MR. KAUFMAN: I'll make a motion as follows. This is an unlisted action.

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But I would like to have this --

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THE CHAIRPERSON: I'm sorry?

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MR. KAUFMAN: I know it says type one on there but I think it's unlisted.

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MS. STILES: Jim is shaking his head.

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MR. BAGG: Right. If that's the case. But basically under what criteria would it become a type one?

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MS. STILES: It may be the type of action, it's a very low threshold.

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MR. BAGG: It's a criteria for any type statement. It's a different thing.

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MR. KAUFMAN: I'll try it again. I'll say that this is a type one action. But I would like to have a conditional neg dec on this one, basically oriented as follows.

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That this won't obtain negative

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declaration under SEQRA as long as
the lead status is met.

And we would also require once the
construction plans are finalized that
someone from DPW come back and certify
to us at one of our CEQ meetings that
the lead status has in fact been met.

Because as I understand it the
legislation, CEQ is one of the people that is
supposed to declare that lead status has
actually been met.

So we don't feel that we need the whole
crew and everything once you're coming in for
certification.

I think that's what we need. They
provide that lead status is met and we
need lead certification at a certain time.

MS. VILORIA-FISHER: Using the material
certification, we are not a certifying
agency. All I would like to do is when you
have filled the lead status, when you have
gotten the number of points that would
qualify it as a green building that you come
back to us so that we could see in fact which

1

2

of the components you have achieved.

3

4

Because I believe that if I didn't put it into this particular legislation, I put it

5

in the second legislation which is that CEQ

6

reviews the lead components of the project.

7

Any project that is over a million dollars.

8

So we will give a conditional neg dec.

9

And then as I said, you don't have to bring

10

the whole written people here.

11

But we would like to take a look at it.

12

Because I think CEQ will by then,

13

Mr. Chairman, they have had a primer on lead.

14

Joe Schroeder can come up and review it.

15

And I'll make sure that everyone will

16

have the book that gives us how the

17

components of the lead program, how it's

18

divided, how the points are achieved, where

19

there are possible points.

20

And I think that it would be good for

21

everybody to be a little more prepared.

22

Some of us have been looking at it for a long

23

time.

24

And I think just out of fairness we

25

should all be able to give it a close look

1

2

and say that we understand the project and

3

have looked at the project that way.

4

5

MR. LARSEN: I think that's a great
idea. And I would invite anybody on the

6

Board here who is interested in maybe coming

7

to one of our structure classes to get more

8

familiar with it. It's an open invitation.

9

10

MS. VILORIA-FISHER: Are there classes
on the green building?

11

12

MR. LARSEN: We're setting up some
classes, getting some classification on the

13

whole lead process.

14

15

MS. VILORIA-FISHER: I would love to
take advantage of that. I wanted to go to

16

the green building council last month.

17

It conflicted with my legislative schedule.

18

19

MS. SQUIRES: How would we know when
that's happening?

20

21

MR. LARSEN: I will definitely get a
memo out to everybody. I'll pass that

22

information along.

23

24

MS. SQUIRES: Thank you.

25

THE CHAIRPERSON: We have a motion
that has been made and we have a second.

1

2

Mr. Kaufman made the motion.

3

MS. VILORIA-FISHER: I'll second it.

4

THE CHAIRPERSON: Type one. And then

5

CND. Do we have a second?

6

MS. VILORIA-FISHER: Second.

7

THE CHAIRPERSON: And do we have any

8

further discussion?

9

MS. STILES: Let me explain the

10

situation. It's debatable for the project?

11

Possibly unlisted action, possibly a type

12

one action.

13

And I think to err on the side of

14

caution, never say bad things. So I think

15

it's fair for us to qualify it as a type one

16

action.

17

No one wants to deny the project or

18

stop the project or anything like that so

19

don't worry.

20

But the conditions that we would like

21

met is just to come back earlier. And if it

22

was classified as an unlisted action, you

23

cannot issue a condition as a negative

24

declaration.

25

We can go to neg dec. We don't want to

1

2

have to do that. We want you to be able

3

to move forward with project.

4

So I think erring on the side of

5

caution and making it a type one, a CND

6

is just a negative declaration.

7

So you get a neg dec as long as you

8

meet the condition which is just to come

9

back and show that you have certification.

10

So I hope that clarifies it.

11

MS. VILORIA-FISHER: Thank you.

12

THE CHAIRPERSON: All in favor?

13

(Unanimous aye.)

14

THE CHAIRPERSON: Opposed?

15

(None.)

16

THE CHAIRPERSON: Motion carried.

17

Now the CAC concern.

18

MS. SQUIRES: I have a selfish issue

19

request. I am going to be away in March.

20

I don't know when you are proposing for the

21

green building discussion.

22

But I think it's a very significant

23

issue that CAC who have been in attendance

24

except for me and are not in attendance

25

today, I think it's the kind of thing that

1

2

people should come and listen to. It's an opportunity. So again for selfish reasons could it be in April?

4

5

THE CHAIRPERSON: It's all right with me.

6

7

MS. SQUIRES: And then maybe it could be in April and with a special impact.

8

9

Maybe Jim as President of NYSACC, if you want me to add something that goes to the significant issue here.

10

11

MR. BAGG: That's fine with me.

12

13

But it really depends on when the Department of Public Works finalizes all these leads.

14

MS. SQUIRES: I understand that.

15

MR. KAUFMAN: We could arrange that.

16

17

MS. SQUIRES: I'm talking about Vivian's presentation. Vivian suggested that we receive a presentation for someone specifically.

18

19

20

And I was just asking for April and that we send this information out to CEQ with a strong reminder that this is a significant issue and they should be involved.

21

22

23

24

25

MS. VILORIA-FISHER: As long as it's before their next meeting.

1

2 THE CHAIRPERSON: We will have to work
3 out the details. Historic services.

4

MR. MARTIN: The next Historic Trust
5 Committee meeting is scheduled for tomorrow,
6 February 22nd, at 9:30 a.m.

7

That will take place at the Lake
8 Ronkonkoma County Park. Senator John
9 Kennedy has asked that we review the
10 new purpose for the house that's on the
11 north side of the Lake and also the pavilion
12 area and food stand is located on the east
13 side of the Lake.

14

So those two sites will be visited as
15 part of that meeting.

15

16

THE CHAIRPERSON: Thank you very much.
17 Do we have a motion to adjourn?

17

18

MR. KAUFMAN: Motion to adjourn.

19

THE CHAIRPERSON: Second?

20

MS. VILORIA-FISHER: Second.

21

THE CHAIRPERSON: All in favor?

22

(Unanimous aye.)

23

THE CHAIRPERSON: Thank you.

24

(Whereupon the meeting was concluded
25 at 1:15 a.m.)

1
2 RE: Council on Environmental Quality
County of Suffolk
3
4 AT: 725 Veterans Memorial Highway
Smithtown, New York
5
6 ON: February 21, 2007

C E R T I F I C A T E

7 I, JAMES F. GILL, a Shorthand Reporter and
8 notary public within and for the State of New
9 York, do hereby certify;

10 That I reported the proceedings in the
11 within-entitled matter, and that the within
12 transcript is a true and accurate record of such
13 proceedings.

14 I further certify that I am not related by
15 blood or marriage to any of the parties; and that
16 I am in no way interested in the outcome of this
17 matter.

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand this 5th day of MARCH, 2007.

20
21 James F. Gill
22
23
24
25