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SUFFOLK COUNTY DEPARTMENT OF PLANNING  
COUNCIL ON ENVIRONMENTAL QUALITY

100 Veterans Memorial Highway  
Hauppauge, New York 11788

September 17, 2008  
9:30 a.m.

MEMBERS PRESENT:

- R. LAWRENCE SWANSON, Chairman
- MICHAEL KAUFMAN, Vice Chairman
- HON. JAY H. SCHNEIDERMAN
- EVA GROWNEY
- RICHARD MACHTAY
- THOMAS GULBRANSEN
- GLORIA G. RUSSO
- MARY ANN SPENCER
  
- JOY SQUIRES, CAC Representative
- RICHARD MARTIN, Historic Society Representative

1 THE CHAIRMAN: I'd like to call the meeting  
2 to order. We have minutes of August 20th to discuss.  
3 Anybody want to make a comment about them?

4 MR. KAUFMAN: Make to motion to approve.

5 MS. GROWNEY: Second.

6 THE CHAIRMAN: All in favor?

7 (Show of hands)

8 THE CHAIRMAN: Opposed?

9 MR. SCHNEIDERMAN: Abstain.

10 MR. KAUFMAN: Make that two.

11 THE CHAIRMAN: Two abstentions. Historic  
12 Trust. Rich?

13 MR. MARTIN: I'll give you the update on the  
14 housing program. At this point, we have seven vacancies  
15 in county parks housing units and we are working on --  
16 still working on a resolution, new resolution that will  
17 hopefully reduce the rents a bit, so we will be able to  
18 fill these other seven units,

19 Commissioner John Pavacic from the Parks  
20 Department is here today. He will be speaking today a  
21 little bit on the Smithers property dedication. I think  
22 we can also discuss that resolution at that point a  
23 little further on what, he's working on with the  
24 contracts. I think we mentioned that the Seatuck

1 contract at the ~~Stolly~~ <sup>Scully</sup> Estate has been signed and is in  
 2 place. We had a meeting with them yesterday to go over  
 3 the work program and they will start working now on the  
 4 exhibit program and the exterior programs they have for  
 5 the walkways and children's playground that they plan to  
 6 install there. That plan they will be bringing forward  
 7 to the CEQ, which will be installed on the old tennis  
 8 courts that are on the site there.

9           Once the plans are complete, the design of the  
 10 playground, they will bring that to CEQ for review. We  
 11 have the dedication at Smithers property, at Hubbard  
 12 County Park that was sent to you. It's a very important  
 13 piece of property, as you can see. We are looking to  
 14 dedicate the whole parcel, which is known as the  
 15 Smithers property. This originally was owned by the  
 16 Flanders Club, which was established in 1890, and it was  
 17 purchased by Mr. Smithers in 1963. Then after his  
 18 purchase, he went ahead and built some additional  
 19 buildings, and we have two resolutions going forward  
 20 today, one for the dedication of the property and  
 21 historic action that relate to the Flanders Club, which  
 22 was the early owners, which Smithers was one of them.

23           Then the second list, which is the CEQ  
 24 historic building list, are the additional buildings

1 that were built by Mr. Smithers. This property is  
2 unique in the sense of its historic significance to the  
3 hunting history and reserves on Long Island, and also  
4 because of the natural environment there, but the  
5 property was altered during the course of ownership of  
6 the Flanders Club and Smithers maintained that that is  
7 why we also have, under the listing, the water control  
8 structures that were at Brinks Pond, Home Pond and Gunk  
9 Hole.

10 These are man-made structures. We want to  
11 list the simple man-made structures that regulate the  
12 pond there for hunting. While it has extraordinary  
13 natural resources, has also has been used as a hunting  
14 preserve we want to maintain that use at the site while  
15 we maintain the natural environment there.

16 I don't know if anybody has any questions. I  
17 would like to run through the list of buildings here a  
18 bit to point out what we are dedicating. We are  
19 dedicating the whole parcel, and to go with that is the  
20 original clubhouse, which actually dates about 1910.  
21 The six cabins, which date to the early 20th century.  
22 The kennel building and the two storage sheds, which  
23 were used for the operation of the hunting preserve.  
24 And the exceptional point here that relates to the

1 natural environment is the ecological significance of  
2 the creeks, which are some of the best examples in New  
3 York State for freshwater wetland or estuary or salt  
4 marsh,

5 I would like to turn it over to Economic  
6 Commissioner Gibbons and Pavacic to discuss this portion  
7 of the presentation.

8 MR. PAVACIC: Thank you for having me here  
9 today. I would just like to first -- John W. Pavacic,  
10 Commissioner of the Suffolk County Parks Department. I  
11 would like to say, first of all, that I and the entire  
12 Parks Department enthusiastically endorse this proposed  
13 designation today. This is a magnificent and very  
14 significant parcel located in the preservation area of  
15 the Central Pine Barrens, has a wide range of ecological  
16 communities, magnificent array of rare and significant  
17 habitats and wildlife and plant species. The tidal  
18 marshes alone are very, very extensive and form a bridge  
19 between the Central Pine Barrens and Peconic estuary.  
20 The various ecological communities extend much further  
21 into the interior of the Pine Barrens here. And the  
22 current activities there are on the passive side, and  
23 that is the type of thing that we would like to  
24 maintain, keep this as a very low key type of use for

1       this parcel.

2                   This designation will go a long way toward  
3       protecting that as aspect of this property. We want to  
4       make sure that every part of this parcel, that both its  
5       ecological and historical resources are adequately  
6       protected, and this designation will do a great deal to  
7       ensure that. If there are any questions?

8                   THE CHAIRMAN:    John, first of all, I don't  
9       think I have seen you since your new position, so  
10      congratulations.

11                  MR. PAVACIC:    Thank you very much.

12                  MR. GIBBONS:    Nick Gibbons, Parks  
13      Department. I would just add that this process of  
14      bringing the property to you guys today in terms of the  
15      historical significance and designation is about a year  
16      in the making. Parks has recognized for a long time  
17      this property held significant environmental resources  
18      and also recreational ones as well, and the uses  
19      currently going on on the site have been in place there  
20      for well over a hundred years.

21                  The park is of limited access now. We don't  
22      necessarily see that as Parks having neglected a  
23      recreational opportunity. Far from it; we feel that the  
24      limited use of the site is exactly what is appropriate

1 and in order here for a variety of reasons. At some  
2 point in time we would like to explain better the  
3 Sportsmen Club era and we that I that that site presents  
4 an opportunity to do so.

5 I would call your attention to other sites  
6 that are familiar to the council as well, including  
7 South Haven, and immediately adjacent to this property,  
8 Black Duck Lodge. The south side, Sportsmen Club, which  
9 is now <sup>Connetquot</sup> ~~Connetquot~~ State Park. All these properties  
10 were significant open spaces on Long Island intact and  
11 still exist, largely due to the foresight and means of  
12 the sporting club era at the turn of the century. We  
13 feel that the setting there and infrastructure that is  
14 there may lend itself in the future to interpret that  
15 experience. I think that designation is where it  
16 discusses museum use, unless I'm wrong about that,  
17 Richard.

18 MR. MARTIN: No, functional use of the  
19 property, most of it is functional because the museum  
20 use was given to the clubhouse for future use. That was  
21 supposed to be the best building to do a program on the  
22 hunting club era.

23 MR. GIBBONS: The other thing I want to add  
24 to that, while there may be opinions to the contrary

1 today, a lot of the reason why this property is in such  
2 great shape and hosts a variety of wildlife and habitats  
3 is because of the hunting and fishing experience and man  
4 made -- those very since naturalized to the point where  
5 people assume wrongly where ponds on the site were  
6 always there. That is not true. They are highly  
7 functioning freshwater wetlands and tidal marshlands in  
8 some cases. They were adequately maintained to enhance  
9 and increase the capacity for wildlife.

10 One use was for recreational hunting. That is  
11 a small and somewhat insignificant impact on the  
12 wildlife there. The far greater benefit of the  
13 manipulations that the wildlife can thrive on the site,  
14 and they do. But Parks is very much committed to  
15 continuing those traditional uses of the property in a  
16 low impact way.

17 THE CHAIRMAN: I have a couple of questions.  
18 First of all, should this also be considered for  
19 dedication to the nature preserve?

20 MR. GIBBONS: It could be. It's essentially,  
21 I am not sure if such a designation would be more of a  
22 hinderance to the department than anything else, as it's  
23 in the Central Pine Barrens core preservation area. I  
24 believe there are already significant safeguards in



1 place for potential development of the site. Some time  
2 in the future, Parks decided that it would be a major  
3 policy change if they wanted to establish recreational  
4 camping there or some other more intense use of the  
5 site.

6 I don't think the nature preserve designation  
7 would serve any more than the core preservation  
8 designation of the state to protect it. My concern with  
9 the nature preserve designation would be that it may  
10 complicate our ability to do environmental restoration  
11 on the site. It wasn't initially anticipated or  
12 considered in the nature preserve handbook as it was  
13 originally written. We tried at one point in time to  
14 revise the handbook to update it and use species  
15 management, wet water restoration. That didn't  
16 progress. I would be reluctant at this point in time,  
17 given the current status of the handbook, to agree to  
18 such.

19 THE CHAIRMAN: John, you probably haven't  
20 heard about this as much, but Nick certainly has. The  
21 council has been very concerned about the acquisition of  
22 properties with structures on it, and <sup>when</sup>~~then~~ there is no  
23 apparent plan to do be able to maintain those. I'm  
24 wondering what your thoughts are, how you're going to

1 maintain these buildings.

2 MR. PAVACIC: Mr. Chairman, I can tell you  
3 right now that we have received a grant from Assemblyman  
4 Englebright and that grant will go towards four areas,  
5 one of which is restoration. We have targeted the main  
6 lodge for initial restoration. That will include the  
7 roof and other portions of the building that are  
8 attached to the roof. In addition, we are doing a  
9 structural survey of the buildings that has just been  
10 authorized to be conducted, and I believe that will be  
11 under way before the end of the year, so we are  
12 cognizant of these buildings.

13 We also have an existing agreement with Ducks  
14 Unlimited. They do occupy some of the structures on the  
15 site and they do assist us in regard to the maintenance  
16 of some of the structures. We are very cognizant of the  
17 need to make sure these buildings do not deteriorate.

18 MS. GROWNEY: Good morning, gentlemen. Glad  
19 to see you here. I'm very excited about what you have  
20 been doing. I really thank you very much for working so  
21 diligently on this. I know we had some discussion about  
22 it before.

23 I like the direction that it's going. I think  
24 it's also very much in alignment, because I have been

1       aware of what the AIA has been working on. This is  
2       moving in a direction that I am very much in favor of.

3               The only question I have for you has to do  
4       with any kind of augmentations in terms of potential  
5       non-fossil fuel use of energy. In terms of wind or  
6       solar or geothermal, has any of that been seriously  
7       considered as ways to low impact-wise facilitate the  
8       buildings and their energy use?

9               MR. PAVACIC: First of all, part of the grant  
10       that I mentioned is also going toward a master plan for  
11       the site. The initial focus of that is going to be an  
12       inventory, including ecological inventory, archeological  
13       inventory. The first thing we need to do is get a much  
14       better handle on the significant resources that are  
15       there. I don't want to hazard a guess and provide  
16       assurances that they will we will be exploring green  
17       energy there. Anything we do there has to be in keeping  
18       with the historic and ecological integrity of the  
19       property. If there is potential for that, that is  
20       something we will certainly explore.

21               The primary focus will be restoring and  
22       preserving the structures and preserving the habitat  
23       there and making sure that there are very, very low  
24       impact uses that occur there as there are now.

1           MS. GROWNEY:    With respect to wind energy in  
2 particular, there had been some discussion at the AIA  
3 meeting that focused on the wind energy structures that  
4 may have been on that site.  I'm hoping that your  
5 research will include trying to ascertain if that is  
6 true.  Because some of the windmills may have been part  
7 of a watermill system.  We have been told that is a  
8 possibility.  I don't know if that is true or not.  We  
9 would like to know some answers about that in your  
10 research.

11           MR. PAVACIC:   That is something I'm sure will  
12 come up with the research.  Again, when you're talking  
13 about wind turbines, I'm somewhat familiar with those  
14 that were proposed for offshore Long Island.  That was  
15 the initial proposal.  They required a guaranteed  
16 minimum wind of eighteen miles an hour, fairly continual  
17 basis.  You need to have structures that are going to be  
18 above the tree line to insure they're uninhibited by  
19 disturbances to wind.  Those are significant factors  
20 that need to be accounted for.

21                       Getting away from this particular site,  
22 whether any site is feasible for wind energy, of course  
23 there are the visual impacts as well that are incurred  
24 by that.  Again, I will not hazard a guess that we will

1 be promising any kind of wind energy on the site.  
2 Anything that is done on that site has to be in keeping  
3 with its significant historic and natural resource  
4 aspects.

5 MS. GROWNEY: I'm not referring to putting  
6 turbines as the way we know those huge towers, but we  
7 are talking about smaller units that were perhaps used  
8 at some point on the property as they had been used  
9 around the area. It may not be specifically to that  
10 property, but they could be smaller units perhaps that  
11 are small towers that are no taller than a building, or  
12 perhaps something that can be used on a roof line  
13 perhaps for the concrete block buildings, for example,  
14 something that would not be a major -- would not be  
15 highly visible.

16 I'm hoping that your research will include to  
17 see if there was any presence of those kinds of  
18 structures there. In addition to which I am hoping that  
19 you will consider that there might be some sort of  
20 ecological technological presentation, if you will,  
21 about what can happen in the environment like that, that  
22 is there, and how people can protect that environment.  
23 Not just the historical part, which I think is  
24 significant, but also the ecological historical aspect.

1           MR. PAVACIC:    If something along those lines  
2           is deemed to be feasible, again it is consistent with  
3           the magnificent historic and ecological resources on the  
4           property.  It's something that we would consider.  Our  
5           primary mission is to protect what is there now and not  
6           to harm or hinder it in any way.

7           MS. GROWNEY:    Understood and I applaud that.

8           MR. GULBRANSEN:   Thank you <sup>John</sup>~~Greg~~ for your  
9           effort.  It's encouraging to hear you recognize the  
10          ecological functions and value that is there.  I have a  
11          request that the master plan include some of the ongoing  
12          activities that would be necessary for that water  
13          control complex.  I would like to make sure we keep that  
14          going.

15          The question I have is about the legacy.  When  
16          the Remington Club was released -- when they released it  
17          up in the Connecticut shore, they had a substantial  
18          project under hand to deal with lead shot that  
19          accumulated over the decades.  Are we clear on that?  I  
20          don't know the pattern of skeet or other shot that  
21          occurred over the century.  Do we know that lead shot  
22          deposits are substantial enough to be taken up by you?

23          MR. GIBBONS:    We are very well versed in lead  
24          shot.  There is no reason to believe there is

1 significant accumulations of lead shot. It's a very  
2 small club by scale. There is no formal shooting range  
3 area, as there are in some larger clubs. The shooting  
4 was spread out over many different stations over many  
5 years. We don't expect to have any one large deposit on  
6 the site.

7 MR. KAUFMAN: My first comment is addressed  
8 to Eva first. The windmills that you were talking about  
9 in the Hampton areas, et cetera, I had occasion to look  
10 into that. Those dealt mainly with wells and hydraulic  
11 management. They weren't exactly power generators,  
12 they were much like what occurs in Holland today.  
13 They're literally pushing the salt back and doing  
14 hydraulic management, which I'm familiar with.

15 This is next is addressed to Nick and the  
16 commissioner. I notice that we have several water  
17 control structures on here. I notice in the aerials  
18 that the area is ditched. The area has naturalized to  
19 basically a continuum from fresh water to saltwater.

20 Given the issues that we had with vector  
21 control and habitat change, we're going to need these  
22 structures up. Are they in good shape right now or are  
23 they adequate to keep the assemblage in place? I've  
24 seen pictures of them. I was last there about ten years

1 ago.

2 MR. GIBBONS: No, they're not in good shape  
3 and they're not adequate to maintain the freshwater  
4 features much longer, with the exception of one that was  
5 replaced by Ducks Unlimited as part of their stewardship  
6 with us. I can identify that for you on the aerial  
7 later, if you're interested, the one which we repaired.  
8 They require significant capital improvement at the  
9 site. There are three really that could be deemed  
10 failed at this point in time. We are continuously  
11 putting Band Aids on those, mostly in response to storm  
12 events. We will come back after a storm they will be  
13 completely blown out and drained. Within a week or two  
14 it's back.

15 That's okay. It's not going to have an  
16 significant impact on upstream wetland. Over time it  
17 may; we don't want to have exposed sediments colonized  
18 by invasive species. At one point in time we had a  
19 significant natural community. We recognize that Mike,  
20 and we have earmarked capital funding for that as well.  
21 We will take a harder control. My purpose is while we  
22 recognize the historic structures list, putting them on  
23 the structures list gives you more flexibility to do  
24 repair work. If the concrete is seventy years old, you



1 don't want to be limited in one year patching.

2 MR. GIBBONS: I don't think there would be  
3 any dispute among the council that these are not at all  
4 interesting or significant features. They are simply  
5 structures that are put there to support the  
6 impoundment. We would use -- we have be working with  
7 DPW Waterways to take a look at how we might engineer a  
8 better way to keep this and maintain the feature on the  
9 property.

10 MR. KAUFMAN: Thank you.

11 MR. MARTIN: I would like to throw in when we  
12 list the structures and features on the site, while it  
13 allows us a little more leeway to repair or change the  
14 structures, it would also bring that to the historic  
15 just for review. That project would come forward.

16 MR. KAUFMAN: Good enough. Thank you.

17 THE CHAIRMAN: In the ~~chain of man~~ <sup>Chain of command</sup> and  
18 Suffolk County, does vector control trump Parks with  
19 regard to maintenance with regard to the vector  
20 control?

21 MR. GIBBONS: I wouldn't necessarily put it  
22 that way. We work in concert with them that way. This  
23 was a site where we did ditch plugging. I know that  
24 kind of fell out of favor, but this site was

1       excellent. The wildlife response for those ditches  
2       being plugged the water features that came out were a  
3       great asset to the property, and the wildlife response  
4       was terrific.

5               That being said, we're a long way to returning  
6       to that site, and we haven't had ditches maintained here  
7       except for the purposes of that ditch plugging effort.  
8       We had to create fish haven that would actually support  
9       fish up on the meadow to feed invertebrates. Even  
10      though we know the site is producing quite a large  
11      population of mosquitoes, the proximity to residential  
12      areas is not very close.

13             MS. SPENCER: I would just like to point out  
14      before we vote on this, that while there are number of  
15      structures that are listed that are mentioned, some are  
16      dedicated and some are listed. Main focus here it's  
17      unusual to dedicate the entire parcel. That is done  
18      because of the natural resource component and that  
19      should be underlined. That is the beginning.

20             The structures, while they are historic and  
21      important, it really is the site itself that is so  
22      unique that is why we have brought it forward for  
23      dedication.

24             THE CHAIRMAN: That being said, would you

1       like to make a motion?

2                   MS. SPENCER:    I would indeed.

3                   MS. GROWNEY:    I second.

4                   MS. SPENCER:    My motion is that we dedicated  
5       the Flanders Club Smithers property within Hubbard  
6       County Park, Flanders, to the Suffolk County Historic  
7       Trust and then, do you want me to mention the  
8       dedications on the listing specifically within the  
9       motion, the park itself be dedicated? That with the  
10      preservation category architectural clubhouse, Cabins 1  
11      through 6, the kennel building, Storage Shed 1 and  
12      Storage Shed 2 be dedicated. That the reason that the  
13      listing is for the dedication of the park are  
14      archeological, terrain and exceptional.

15                   That the property be dedicated under the use  
16      categories, functional and museum, for the clubhouse,  
17      and that the following be listed. The six bay garage,  
18      brooder house, pump house, Brinks Pond water control  
19      structure, Home Pond water control structure and Gunk  
20      Hole water control structure.

21                   MS. GROWNEY:    I'm going to abstain.

22                   MR. BAGG:       Point of clarification. This  
23      would be a recommendation for dedication. The  
24      legislature makes the dedication.

1 MS. RUSSO: I second.

2 THE CHAIRMAN: Any further discussion? All  
3 in favor? (Show of hands) Opposed? No opposition,  
4 one abstention, motion passes.

5 MR. MARTIN: I would like to mention an event  
6 that we are having at one of our sites over Sagtikos  
7 Manor. Bay Shore Village is celebrating its  
8 tricentennial and they will be having a fundraising event  
9 for the Sagtikos Manor Historical Society October 5th  
10 between two and four. I would like to invite everyone  
11 from the council to attend the event.

12 I do have invitations that I can pass out at  
13 the end of the meeting.

14 (The hearing was closed at 10:00 a.m.)

15 THE CHAIRMAN: We're going to move one agenda  
16 up on the list, Francis Gabreski up on the list. Is  
17 there anybody here to speak on the matter?

18 MR. CEGLIO: Anthony Ceglio, airport manager.  
19 The airport we would like to request the consideration  
20 of the council to postpone this item until next month.  
21 The airport conservation panel which, meets to make a  
22 recommendation to the council, has not met yesterday.  
23 They're not going to meet until October 3rd. We would  
24 like to get their recommendation before we come to you.

1           THE CHAIRMAN:    Any objection to that?  We  
2   will see you next month.

3           Table project IR 1216-2008, adopting local  
4   law to reduce the use of fertilizers in waters in  
5   Suffolk County.

6           MR. SCHNEIDERMAN:   We don't have to take  
7   action on this because the bill has timed out.  It met  
8   it's six month demise.  It will be refiled.  I had some  
9   problems convincing my colleagues about the one hundred  
10   foot setbacks.  It mandates fertilizers not be used  
11   within a hundred feet of fresh water, which sucks up a  
12   lot of the oxygen, which cause a lot of disasters for  
13   our green life.

14           I think it's an important bill.  I'm  
15   frustrated that we seem to keep putting our green lawns  
16   ahead of our environment and our health, but I am coming  
17   back with a reduced setback and exemption for properties  
18   that contain naturally vegetated areas.  It's not going  
19   to be nearly what I would like to see, but it has a  
20   better chance of passing, I think.

21           That is life in Suffolk County right now.  You  
22   will be asked to make a SEQRA declaration on a new  
23   bill.

24           THE CHAIRMAN:    Jay, as you know, we had some

1 questions, but overall everybody was very supportive.  
2 I'm looking forward to getting this back.

3 This is a public meeting. If you have a  
4 desire to speak about a particular project phase, feel  
5 free to let us know and you can come up and make  
6 comments about it. We usually do that on a project by  
7 project basis. Recommended Type 2 action. Jim, do you  
8 have any recommendations on legislative resolutions?

9 MR. BAGG: Everything has Type 2 actions or  
10 previously been reviewed by the CEQ. They're fairly  
11 standard.

12 THE CHAIRMAN: We want to have a motion to  
13 accept staff recommendations.

14 MR. KAUFMAN: Motion to accept staff  
15 recommendations.

16 MR. SCHNEIDERMAN: Second.

17 THE CHAIRMAN: Any discussion? (No response)  
18 All in favor? Opposed. Motion carries.

19 Theodore Roosevelt Park. I think that was  
20 handed out this morning. Nick, welcome back.

21 MR. GIBBONS: My apologies for handing out it  
22 out late. It's entirely my fault. To be honest with  
23 you, I wouldn't normally bring something like this to  
24 the council, but Montauk being Montauk, we wanted to be

1       sure that the council was aware of what I consider a  
2       very small and insignificant change in use of a degraded  
3       area within Theodore Roosevelt County Park.

4               As you know, we have a master plan for the  
5       site that was a long process, in and of itself, adopted  
6       1995. What I provided for you here, I'm just going to  
7       go through these materials first. I haven't hardly had  
8       a chance to look at it. The request is to use an area  
9       behind the primary dune on what we call the outer beach  
10      section of Theodore Roosevelt County Park, just east of  
11      Lake Montauk, for overflow or to make up for lost  
12      camping areas on the outer beach itself.

13              The outer beach of Montauk accommodates two  
14      hundred recreational vehicles, optimal. It can hold  
15      many more than that, but a policy was made by the Master  
16      Plan and Parks Department to only hold two hundred at  
17      any given time, for a variety of reasons, primarily  
18      erosion and nesting of threatened shore birds. We don't  
19      get to two hundred, ever.

20              We would like to help offset just a portion of  
21      this loss in the back area. The area behind the primary  
22      dune, it's a former dredge spoil site from the early  
23      '70's. There was a one time effort where sediment from  
24      the mouth of was pumped to the east. That doesn't

1       happened. It goes to the west as the drift is that  
2       way. As a result, that back dune area still has a dike  
3       entirely surrounding it and it's degraded. It's been  
4       colonized mostly by noninvasive species. I included  
5       some photos too.

6               The policy is explained in the document I  
7       attached. This was generated by Parks. This speaks to  
8       being in accordance with the adopted Master Plan and the  
9       reasons for it, which I have explained briefly. I  
10      included the relevant pass out of the Master Plan  
11      assessment, which establishes the two hundred vehicle  
12      limit. I included an aerial. The aerial shows the  
13      existing outer beach road, we would call it, and the cut  
14      through the primary dune out on to the outer beach  
15      itself, where it enters outer beach. We have camping  
16      both to the east and to the west, and the proposed  
17      auxilliary camping is outlined in red.

18             You can almost make out the dike that runs  
19      almost parallel to the red line to the south. And it's  
20      only really a portion of the former spoil area. Then I  
21      included several photos that I took maybe two weeks ago  
22      of the site. It's vegetated. We have noted for the  
23      past couple of years it shows what I would categorize as  
24      grassland vegetation. There have the occasional tree



1 here and there.

2 We expect to fit about forty units, camping  
3 units in here. The idea being that if we don't have  
4 reservations, as we do as other places, it's not  
5 workable there. If somebody were to come out and be  
6 turned away, it's kind of a long ride, especially from  
7 Western Suffolk and beyond. So we like to give them the  
8 option of parking down there and enjoying at least some  
9 camping experience without having to turn them away  
10 because we can't manage to fit, in a responsible way,  
11 the number of units we are permitted to out on the beach  
12 itself. That is essentially it.

13 THE CHAIRMAN: What do the forty units  
14 consist of?

15 MR. GIBBONS: Depending on your point of  
16 view, that a component recreational camping, anywhere  
17 from twenty to thirty foot long trailers that typically  
18 unhook from the back of a pickup truck. So you need a  
19 tow vehicle, you need to have our outer beach sticker to  
20 even access the area, as well they unhook and they can  
21 take the tow vehicle out on the beach to a day trip area  
22 and unload all the stuff that comes with going to the  
23 beach, which is quite a bit.

24 THE CHAIRMAN: You're not putting in asphalt

1 paths?

2 MR. GIBBONS: No, this is going to be on  
3 existing grade. There will be no water, sewer or  
4 electrical hook-ups here. We don't have that on the  
5 outer beach, either, we have a disposal dump space.  
6 These are all self-contained units. They have to be  
7 required by Parks to include a self-contained bathroom  
8 inside the unit. They have that and much more,  
9 television, air conditioning, all kinds of things.

10 MR. SCHNEIDERMAN: First, let me say that I  
11 toured the site recently with the commissioner and other  
12 members of the Parks Department as well as park  
13 trustees. First my condolences to the family of John  
14 Pruitt, chairman of the park trustees who recently  
15 passed away. Now, this idea was described to me as a  
16 pilot project. Was it in use at all this summer?

17 MR. GIBBONS: No.

18 MR. SCHNEIDERMAN: The documents that you  
19 presented here for 2008, we're really looking for a  
20 pilot project for 2009.

21 MR. GIBBONS: Correct.

22 MR. SCHNEIDERMAN: You said it's a former  
23 dredge spoil site. Is it needed for a future dredge  
24 spoil site for the future dredging?

1           MR. GIBBONS:    We would want it on the beach,  
2           not behind the dune.

3           MR. SCHNEIDERMAN:   Usually with the large  
4           dredge projects, they want to be on the beach.

5           MR. GIBBONS:    We have to talk to DPW about  
6           that. They almost always want to leave their options  
7           open for the former spoil sites, but in this case, no.

8           MR. SCHNEIDERMAN:   This is an area where  
9           there may be some species, plant species, particularly  
10          maritime grasses in this area. Have you done inventory  
11          of this area to make sure that the area that you're  
12          mowing and clearing you're not removing rare habitat?

13          MR. GIBBONS:    We are pretty familiar with the  
14          maritime grass species. We have an area within the park  
15          itself. Adoption of that plan came through CEQ maybe  
16          six or seven years ago, I'm not sure. We worked very  
17          closely with the Nature Conservancy on that project.  
18          This area in question is not considered a significant  
19          habitat.

20          MR. SCHNEIDERMAN:   At the end of the one year  
21          trial, we're going to have an evaluation, then determine  
22          whether it's going to be a more permanent project. Tell  
23          me how that will unfold and what opportunities this body  
24          legislature will have to review this before it's made

1 permanent.

2 MR. GIBBONS: At the council's pleasure, we  
3 can come back at the end of the one year pilot period  
4 and discuss any issues that we had. The tricky part of  
5 this project is we may not need it next year. There is  
6 only a handful of occasions in a given season where the  
7 right combination of poor weather or holiday weekend or  
8 a popular weekend to come out that we're turning people  
9 away. On those times, when it does happen, we would  
10 like to have an area for that use if it's needed.

11 This policy, while it's the product of many  
12 hours on our end to come up with each scenario of how  
13 this would come into play, once we change or institute  
14 or change any policy, invariably something comes up that  
15 we didn't think about, so we like the opportunity to  
16 call it a pilot so we can adjust it.

17 MR. SCHNEIDERMAN: So can I anticipate at the  
18 end of '09 you coming up with some kind of report?

19 MR. GIBBONS: We can if you want to.

20 MR. SCHNEIDERMAN: It's a very unusual and  
21 beautiful place and everybody wants to make sure it  
22 stays that way. There is considerable concern here that  
23 this is opening of some expansion to the park. I'm  
24 taking you at your word that it is not, but I think that

1 is a concern that the use will intensify beyond what was  
2 envisioned in the Master Plan.

3 I think what I would be looking for is some  
4 assurance that there will be a fair assessment of this  
5 area in terms of how, what worked and what didn't work  
6 so we can then make a good judgment as to how to proceed  
7 in the future.

8 MR. GIBBONS: We have meet with both sides  
9 and a variety of constituents at the site, groups who  
10 had been for years opposed to that because they saw that  
11 as a back doorway for Parks Department to get people off  
12 from camping on the beach.

13 I have to state that I can't see this as an  
14 expansion in any way in that any expansion would require  
15 modification to or adoption of a new Master Plan. We're  
16 already limited by the Master Plan, so this is only  
17 serving or proposed to serve us getting to fulfillment  
18 of what the Master Plan envisioned, not an expansion in  
19 any way.

20 MR. SCHNEIDERMAN: I can't expect a report,  
21 even a page or two saying what worked or didn't work?  
22 It's a pilot project.

23 MR. GIBBONS: I think that is fair to assume  
24 that, yes.

1           THE CHAIRMAN: I think that would be a good  
2     idea. Jim reminded me that a number of years ago, the  
3     CEQ did approve the entire dredge spoil area as a  
4     camping area and gave the project a negative  
5     declaration. We are on record already as having  
6     designated.

7           MR. SCHNEIDERMAN: It's not a nature preserve  
8     status?

9           THE CHAIRMAN: No.

10          MS. GROWNEY: I wondered if there were any  
11     other areas that have been explored? Were there any  
12     other areas looked at? What the reasons where that this  
13     was chosen?

14          MR. PAVACIC: As Nick mentioned before,  
15     because it was degraded with dredge spoil, that was the  
16     only area that came to pass. As you can see from the  
17     aerial photograph, the birms that were used to create  
18     dikes to dewater the dredge spoil are still very  
19     evident. Today, just by looking at the photographs, you  
20     can see there is a significant difference in the  
21     vegetation on the site, which indicates that it wasn't  
22     natural topography to begin with.

23                 I would just like to address Legislator  
24     Schneiderman's concern. This concept wasn't designed to

1       become permanent. Let's say we do an analysis after  
2       going through the pilot project, and determined that it  
3       might be worthwhile to carry this forward. We have no  
4       plans to make this -- to extend any other kind of  
5       infrastructure or improvements to the site. It would  
6       remain as it is right now, with absolutely no services  
7       whatsoever, no sewer, no water, no public water, no  
8       electricity, no gas lines, mains, nothing, like that  
9       would be proposed for the site.

10               I can give you an anecdote last fall. The  
11       outer beach at Montauk was evacuated on several  
12       occasions because of nor'easters that came by and the  
13       beach had to be evacuated. In those cases, all those  
14       folks had to be sent elsewhere. We have a lot of people  
15       that come to Montauk that live Up Island. They come at  
16       a significant hardship. They drive for several hours to  
17       get there. That is one reason for this.

18               It is a rather unique resource. What we're  
19       trying to do is balance the resources there with the  
20       public access there, but also do that in a very, very  
21       prudent plan.

22               MR. KAUFMAN: I was looking through the  
23       documents that were handed out. I'm glad to see there  
24       is erosion control on the backside of the dune to keep

1 people basically off of it. That was part of our neg  
2 dec awhile back. Is there any protection on the shore  
3 front dune too? That was one of my concerns twelve  
4 years ago when Legislator Guildy was in office, and  
5 there was a meeting about this park. One of my concerns  
6 was keeping people off the seaward tow of this dune.  
7 I'm not sure what I'm seeing right now if if this area  
8 is opened up at all.

9 MR. GIBBONS: On the other side of that we  
10 have spots that we run snow fence along the dune to  
11 prevent encroachment. They tend to bite off. What is  
12 on this aerial, we run snow fence along the entire outer  
13 beach road to prevent anybody -- if you have ever been  
14 there, you would never contemplate doing this -- walking  
15 through the primary dune to get to the beach. It's  
16 impenetrable. The beach plum and bayberry there is very  
17 significant. Anybody that went that way to get to the  
18 water would be miserable.

19 It was suggested that we put up the snow fence  
20 up there to funnel people down that way. That would be  
21 nothing more than two pieces of parallel snow fence to  
22 guide people down to the beach in a responsible way.

23 MR. PAVACIC: There is a significant amount  
24 of poison ivy and ticks and chiggers. We anticipate



1 putting signs there as well to provide additional  
2 warning.

3 MR. KAUFMAN: I'm not allergic to poison ivy.  
4 That wouldn't stop me.

5 MR. BAGG: That is not a dune, its a dike  
6 that was put there . It's an artificial birm.

7 MS. RUSSO: Second.

8 MR. BAGG: It's a Type 2; it's a temporary  
9 use.

10 MR. KAUFMAN: Withdrawn. We will go for  
11 Type 2 neg dec.

12 MS. RUSSO: Second.

13 MR. SCHNEIDERMAN: Abstain. I'm not sure  
14 it's Type 2.

15 THE CHAIRMAN: He thinks it is. Let's see  
16 the show of hands again. (Show of hands) Opposed? (No  
17 response).

18 MR. MACHTAY: Abstention.

19 THE CHAIRMAN: County road reconstruction.  
20 If you will introduce yourself for the stenographer, I  
21 would appreciate it.

22 MR. MACKEY: Russ Mackey. I'm a P.E.

23 THE CHAIRMAN: Who else is with you.

24 MR. BAZATA: James Bazata, with Greenman &

1 Pedersen, consulting engineers. I'm also a professional  
2 engineer as well.

3 THE CHAIRMAN: Thank you.

4 MR. ~~MACHTAY~~ <sup>mackey</sup>: It is being addressed through a  
5 county consultant and Jim will further discuss the  
6 project.

7 MR. BAZATA: Council, good morning. This  
8 project involves CR3 Pinelawn Road and Wellwood Avenue,  
9 two separate areas along the corridor, along the Town of  
10 Huntington and Babylon. The project is being introduced  
11 by the county to address the existing deficiencies in  
12 traffic capacity, deficiencies in the roadway, paving  
13 conditions, other safety issues as well for the  
14 traveling public.

15 The project itself, like I mentioned, is two  
16 areas. One area up by Ruland Road and Colonial Springs  
17 Road and intersection with CR3 Pinelawn Road, and to the  
18 south, Wellwood Avenue at its intersection with Long  
19 Island Avenue and Conklin Street. Both these  
20 intersections are being reviewed by now as part of a  
21 study to redesign the intersections to address the  
22 issues that I mentioned earlier.

23 The reconstruction that we're looking at for  
24 the Pinelawn Road intersection, Pinelawn and Ruland

1 Road, redevelops the intersection to introduce new  
2 travel lanes, right turn lane and through lanes to  
3 eliminate the current situation, which introduces many  
4 left turn lanes, which adds to the efficiency in safety  
5 in that area.

6 This will also introduce a jug handle  
7 intersection. For those who can see the board there, it  
8 will be the far board there on the right. Jug handle  
9 intersection, what this will do will assist those  
10 traveling eastbound on Ruland Road and Colonial Springs  
11 Road and take them to northbound Pinelawn Road as well  
12 as it will also eliminate -- what that will do is  
13 eliminate making left turns onto Pinelawn Road from  
14 Ruland Road, which is also a hinderance with the travel  
15 public right there for safety reasons.

16 THE CHAIRMAN: Can I interrupt you?

17 MR. BAZATA: Sure, absolutely.

18 THE CHAIRMAN: Maybe it's me personally, but  
19 I find jug handle turns very disconcerting. They have a  
20 lot in New Jersey. We have one on 347. Suddenly a jug  
21 handle turn appears and you have people cutting from the  
22 left lane who are anticipating turning left going across  
23 two and three lanes of traffic. It seems to me they're  
24 far more dangerous than a well marked left turn lane.

1       What is your reaction?

2               MR. MACKEY:    It will be well signed well in  
3       advance so a driver will know who is coming up.  It's  
4       not a short left turn lane like New Jersey has or like  
5       you're talking on 111 and 347.  It will be a little  
6       wider, a little longer so I believe it's two lanes as  
7       well so you're not cutting over to get into the one  
8       lane.  We believe that the advance signing and the way  
9       the layout is he will it will be safer than making a  
10      left turn.

11              THE CHAIRMAN:   How far from the left turn are  
12      you going to actually start to sign?

13              MR. BAZATA:    We will do so in accordance with  
14      the DEC.  It will be signed prior to the current  
15      intersection.  It will be signed well before, it does  
16      have two lanes there.  It does give the operator plenty  
17      of room to get over to those two lanes.

18              THE CHAIRMAN:   Thank you.

19              MS. RUSSO:     Good morning.  Can you please  
20      define these acronyms on Page 2 of the EAF?  The first  
21      paragraph, individual movement operating at or below LOS  
22      of E.  What does that mean?

23              MR. BAZATA:    LOS is level of service.  
24      Basically what happens with level of service, we term

1       them in terms of A through F, A being terrific movement  
2       basically throughout the intersection. There is no  
3       congestion whatsoever. Traveling public can get through  
4       quickly and easily. F being you're basically at a  
5       standstill you're sitting like a parking lot waiting to  
6       get through an intersection, or just traveling along the  
7       highway itself. So the E, that is represented here  
8       right now, represents that right now congestion is very  
9       high throughout this area of Pinelawn and Ruland and  
10      Colonial Springs Road and we need to improve it to get  
11      the traveling public through faster.

12               MS. RUSSO:    It will provide an LOS of C so it  
13      will bump it up two levels.

14               MR. BAZATA:   That is correct. Level C is an  
15      acceptable level of service for this type of roadway.  
16      The criteria that we follow, the highway design manual  
17      put out by the New York State DOT and ARBTO, which  
18      basically is a design manual put out by the the federal  
19      government, they determine what is basically an  
20      acceptable level of service.

21               MS. RUSSO:    What the chairman said personally  
22      about jug handles, New Jersey has a lot of them and has  
23      had a lot of them for a number of years. Any idea of  
24      how long they have had them and have they improved level

1 of service.

2 MR. MACKEY: It's not the same jug handle as  
3 you see in New Jersey.

4 MS. RUSSO: They are a different shape.

5 MR. MACKEY: And shorter. The term is the  
6 same, but it's not geometrically the same. Those are  
7 basically short ones to get through an intersection.  
8 This has time to get over, to get into a merge lane to  
9 go the direction that you would like to go. Kind of  
10 relating it to what Jersey has and what is on 347 is not  
11 really the same geometric shape that we are proposing  
12 here. I don't want to say don't think of those, but in  
13 Jersey they are short geometric turns.

14 MR. BAZATA: The second portion of the  
15 project that I spoke about is the first board closest to  
16 me is down by Wellwood Avenue and the intersection with  
17 Long Island Avenue and Conklin Street, currently that  
18 intersection is operates at two intersections because  
19 you have Long Island Avenue intersecting with Wellwood.  
20 We have approximately four hundred feet to the south you  
21 have Conklin Street intersecting with Wellwood Avenue.

22 What we would like to do is propose a single  
23 intersection where it would be basically what would  
24 happen, we kind of manipulate Long Island Avenue and

1 Conklin Street, bring them together to form one single  
2 intersection versus the two that you have now. This is  
3 for the same reasons I mentioned before. It's a  
4 capacity situation. We will be widening lanes, widening  
5 the area to provide additional through lanes, left turn  
6 lanes and right turn lanes, and of course a single  
7 intersection will operate more safely. This way you  
8 don't have two separated by that few hundred feet.

9 THE CHAIRMAN: If you look at the EAF Page 5,  
10 it says you're going to remove four acres of -- remove,  
11 currently there are four acres that are wooded. After  
12 completion, it's going to be two. Then on Page 9, you  
13 say that there are six acres that are actually going to  
14 be cleared.

15 Is that an inconsistency or am I reading the  
16 form incorrectly; top of Page 9.

17 MR. BAZATA: What I have done here with the  
18 wooded area, I considered heavily wooded areas, those  
19 areas in particular, and with the six acres is overall  
20 considering areas that just have minor shrubs and ground  
21 cover, all types of vegetation. That is how I  
22 differentiate between the two.

23 THE CHAIRMAN: If you go back to Page 5,  
24 under one, where it says meadow, field, shrubs and so

1       forth, there probably should be more clearing  
2       identified; is that correct?

3               MR. BAZATA:    I think, I believe what we did  
4       is categorized them differently than what you see here.  
5       As far as meadow, field, scrub oak versus wooded versus  
6       the trees and shrubs, I considered the area to be more  
7       of the shrub than versus scrub growth, if there is a  
8       difference. I tried to show that.

9               MS. RUSSO:    Also further on Page 3 there are  
10      ~~inconsistencies~~ <sup>INCONSISTENCIES</sup> Scale of project. You have roads on  
11      site, twenty-five acres new road construction,  
12      seventeen, which gives a total of forty-two acres.  
13      Under C, you say develop acres, ultimately thirty-eight  
14      acres. You have discrepancies with total developed  
15      acreage.

16              MR. BAGG:    Road on site, twenty-five acres.  
17      The new road construction, this is basically pavement  
18      only, the actual roadway only. To accommodate  
19      approximately seventeen acres, that is basically taking  
20      the roadway length square footage, converting it into  
21      acres.

22              The developed acreage at the completion of the  
23      project, thirty-eight, incorporates the new road  
24      construction, plus any trees we may plant or any slopes



1 we touch and place grass or sidewalk, et cetera.

2 MS. RUSSO: I'm just concerned that the total  
3 contiguous area is thirty-two. Acres to be acquired is  
4 six, so you have a total of thirty-eight. That is why  
5 I'm wondering when you add K and L you get thirty-two.

6 MR. BAZATA: Because the roads on site now is  
7 what is existing within our limits. The square footage  
8 of roadways within our limits. I took developed acreage  
9 at the completion of the project to be the road  
10 construction, plus those other areas. I will note  
11 that.

12 MS. RUSSO: It doesn't add up. Also on Page  
13 4, under waste and pollutants generated during  
14 construction, after clearing demolition debris under  
15 components you have concrete, shrubs, dirt, asphalt  
16 going to a C & D Landfill. I don't know how much  
17 shrubs, dirt and trees, but can't that be skipped over  
18 to a bulldozer and sent to a compost facility instead of  
19 sent to a C and D landfill?

20 MR. BAZATA: Certainly that we are in the  
21 study phase now. That is something that can be done,  
22 yeah.

23 MS. RUSSO: I think Page 5 indicates sources  
24 of utility, telephone and fiber optic, AT&T. Should not

1       that be Verizon?

2                   MR. BAZATA:    It's interesting that you  
3       mentioned that.  We have received plans from the utility  
4       companies, they're still listed on there as AT&T as  
5       well.  I can investigate that and confirm.

6                   MS. RUSSO:     Page 8, Item 14.  Historic  
7       significance.  You sent a letter out August 28th and  
8       response is pending.  Have you received a response?

9                   MR. BAZATA:    No, we have not.

10                  MS. RUSSO:     I think I'm drilling you now.

11                  MR. BAZATA:    That's okay.

12                  MS. SQUIRES:   I have a question on Page 9,  
13       Number 4, vegetation, yes.  Landscape plants will be  
14       developed.  Should not there be at least a preliminary  
15       landscape plan included in this?  And I would like to  
16       recommend that you use native vegetation in whatever  
17       landscape plan you use.

18                  MR. MACKEY:    Yes, we usually do use native  
19       vegetation.  Usually a landscape plan is done towards  
20       the end of the project.  Some things may change as far  
21       as where locations are, and site distances change.  We  
22       don't want to sit there and come up and give you a plan  
23       when there might be minor alterations and it's not  
24       exactly what we gave to you.

1 MS. SQUIRES: Will we see that landscape  
2 plan?

3 MR. BAZATA: What we will do when we provide  
4 the study, which ~~with~~<sup>is</sup> what we're into now, provide the  
5 study report, we incorporate within the study report,  
6 that we will provide natural vegetation. When we go to  
7 preliminary design and final design, we will provide  
8 plans outlining those areas where we anticipate to  
9 remove vegetation and place back vegetation.

10 At that point, we will send them to the county  
11 and the county can then address it from there to provide  
12 to you, if necessary.

13 MR. MACHTAY: Am I to understand what ~~what~~  
14 you just said, and what you said from your opening  
15 remarks that nothing is carved in stone?

16 MR. MACKEY: Yes, we're still analyzing it  
17 and still coming up with a report. The report is coming  
18 yes. This is the design that we will be going for, this  
19 is a federal project, so the report is going to the feds  
20 in order to get money to finish.

21 MR. MACHTAY: The design has been completed?

22 MR. MACKEY: Preliminary design.

23 MR. MACHTAY: That means the final design,  
24 once again, it's not carved in stone.

1           MR. MACKEY:    The final design has not been  
2 performed yet.

3           MR. MACHTAY:   Will we see it?  Forty-two  
4 acres, thirty-eight acres, God knows what it's going to  
5 be when it's a final design.

6           MR. MACKEY:    If you would like a copy of the  
7 final plans when we go to final design, we would be more  
8 than happy.

9           MR. MACHTAY:   It may be very different or it  
10 may not be.

11          MR. MACKEY:    It will be minor issues, nothing  
12 major will be changed.  This is the concept that we are  
13 going to be going with.

14          MR. MACHTAY:   Jim, what does SEQRA say about  
15 adding new traveling lanes, for the record?

16          MR. BAGG:      Basically, it cannot be considered  
17 a Type 2 action.  Type 2 action is repaving only  
18 additional of new traveling lanes puts it into a Type 2  
19 action.

20                 Referring to what Joy Squires said, you can  
21 tell the Council that natural and native species will be  
22 used in your landscaping up front.  We don't necessarily  
23 need the plan, but technically a list of the species  
24 that you will use that are considered native can be

1 given to the council.

2 MR. MACKEY: No problem, that will be done.

3 MR. KAUFMAN: Page 2 has the status of the  
4 proposed studies preliminary et cetera so you have a  
5 time line in here. We are getting this relatively  
6 early. That is the first thing.

7 MS. RUSSO: You should have a list at DPW of  
8 the approved native species that list was established  
9 fifteen years ago.

10 MR. ~~MACHTAY~~<sup>MACKEY</sup>: Yes, our landscape architect  
11 has that.

12 MR. KAUFMAN: That brings me to what Joy was  
13 talking about. I looked at the numbers. I'm somewhat  
14 familiar with the area. I work in Huntington  
15 occasionally. It's worrying me in this respect. It  
16 looks like there is a progressive deforestation going on  
17 with these projects. I know the county has, in the  
18 past, replanted where possible and where necessary.

19 In my opinion, it's always been, to put it  
20 bluntly not enough. I'm looking at the aerials. You're  
21 ripping out some wooded areas, especially the northern  
22 project. I don't know where you can do some heavy  
23 replanting, we're looking the. That worries me on the  
24 West End we're more heavily built up than on the East

1 End and every acre is precious, if you will.

2 When I see an application like this coming in,  
3 I'm looking at it as progressive deforestation. Two  
4 acres is being taken out and I don't know how much is  
5 being put back in. A tenth of an acre or some screens,  
6 it simply is not enough. Maybe some care should be  
7 taken to avoid ripping out woods. The southern  
8 intersection doesn't have that problem. The northern  
9 intersection is more subject to these concerns.

10 I'm looking at these road designs. I  
11 understand the safety aspect and I understand why you're  
12 ~~talk ing~~ <sup>talk ing</sup> about what your talking about again there are  
13 consequences to it. In this particular project, if it's  
14 possible to, what if you were to put a tree back in  
15 there. I'm not trying to be a tree hugger or anything  
16 like that. I'm looking at overall ecology of the West  
17 End.

18 MR. MACKEY: We try to put as many trees back  
19 as possible. We don't want to take down trees. We want  
20 to put back as much as we can. What we try doing that  
21 is putting it in through landscape plans. I understand  
22 your concept with how everything is getting built out.  
23 That is why in areas we're not touching, we're leaving  
24 it as much as natural state as possible.

1 MS. GROWNEY: I really feel compelled to  
2 asked were there other plans studied that you pursued?

3 MR. MACKEY: There were other concept  
4 studies, and a combination of safety factors and costs  
5 made this one the most viable.

6 MS. GROWNEY: If you don't have a full plan  
7 yet, then I don't know how the costs can be analyzed.

8 MR. MACKEY: We do estimates with the various  
9 alternatives. We come up with a concept plan and from  
10 that we are able to take and get preliminary estimate as  
11 far, as to how each alternative will cost. We do that  
12 with all our projects.

13 MS. GROWNEY: The cost of doing something  
14 less aggressive than this may be six of one half a dozen  
15 of the other. If it's more turning lanes where it  
16 doesn't take up so much area, it seems to me the cost  
17 would be much less.

18 MR. BAZATA: We develop numerous alternatives  
19 in the study phase. We look at both the benefits and  
20 costs of each one of these alternatives. We do a  
21 thorough examination of both, and we come up with the  
22 construction cost estimate and we compare them to the  
23 benefit and do this analysis and come up with a ratio to  
24 determine when you relate the benefit cost to each

1 alternative, which one of the alternatives does address  
2 the needs for the best cost. And safety, of course,  
3 being the major issue as well.

4 MS. GROWNEY: What is the criteria for the  
5 benefits?

6 MR. MACKEY: If I may add some of the other  
7 alternatives were more harmful environmentally than this  
8 one.

9 MS. GROWNEY: In what respect?

10 MR. MACKEY: With regard to differences in  
11 noise pollution and differences to the amount of other  
12 wood lands that we would be taking and acreage. This is  
13 the plan that basically gives us the most safety with  
14 the least amount of environmental impact. That is one  
15 of the things we looked for.

16 MR. KAUFMAN: On Page 9 and 10 of the <sup>EAF</sup>~~EAF~~,  
17 alternatives are usually set out. It covers what he was  
18 talking about.

19 THE CHAIRMAN: What designs have you seen  
20 for pedestrian and bicycle traffic?

21 MR. MACKEY: There are no pedestrians that  
22 use that area.

23 MR. BAZATA: That would be the southern  
24 area. As you look in the aerial one, which is the



1 furthest to the right there by Ruland and Colonial  
2 Springs Road, there is some light industry up there.  
3 The existing sidewalks will be maintained, any areas  
4 that we touch that now have sidewalks we will replace.

5 THE CHAIRMAN: No crosswalks?

6 MR. BAZATA: That's correct, and handicapped  
7 ramps, yes.

8 MS. SQUIRES: Although there might not be  
9 significant walking traffic and bike traffic, there is  
10 also the possibility for bike traffic, as more and more  
11 people, we hope, ride bicycles to work instead of cars.  
12 Therefore, having different requirements I hope there  
13 are going to be bike lanes.

14 MR. MACKEY: There is no bike lanes planned  
15 for this traffic.

16 MS. SQUIRES: Isn't that not in keeping with  
17 what is happening today? I'm sorry, I do know people  
18 who ride their bikes to work long distances.

19 MR. ~~MACHTAK~~<sup>MACKEY</sup>: There are sidewalks they can  
20 use as part of the project. We will be putting in the  
21 crosswalk and striping for them to cross the  
22 intersection safely. They can use the existing  
23 facilities present at the location.

24 MS. SQUIRES: Am I missing something? Should

1 not there be bikes?

2 MS. RUSSO: No, you're not. I'm familiar  
3 with the area, especially Wellwood and Conklin Street,  
4 area having grown up there. I was just through this  
5 Sunday. Wellwood Avenue was widened twenty to  
6 twenty-five years ago to four lanes. There is no  
7 shoulder whatsoever. You can't possibly ride a bike  
8 there without being killed within thirty seconds of  
9 being on the road.

10 There is the big Estee Lauder plant there and  
11 Newsday. I'm sure there are employees that would ride a  
12 bike there if they could feel safe. There is a  
13 wonderful north-south conduit there.

14 MS. SQUIRES: Where you go from one  
15 intersection instead of two, I know people who work in  
16 these areas in Huntington, could conceivably use this as  
17 alternate transportation.

18 THE CHAIRMAN: Just a matter of speaking,  
19 probably in the mid-nineties the Highway Department,  
20 almost without exception, it seems to me, same in here,  
21 with plans that did include bicycle traffic more and  
22 more. I think we have drifted away from it. Maybe it  
23 requires us to go back and consider it seriously again  
24 with the price of gasoline. Any other comments? If not

1 do we have a motion?

2 MR. KAUFMAN: I think we need to table it.  
3 The EAF needs correction. We have accepted minor  
4 corrections in the past and approved things. There are  
5 a huge number of discrepancies in here. I say also my  
6 opinion that there may be some redesign going on that  
7 may be needed, both in terms of the bike lane, et  
8 cetera.

9 MS. RUSSO: Would it hurt your time lines in  
10 any way, shape or form, given the fact that we're  
11 talking about a 2014 completion date, would it hurt you  
12 in any way if we tabled it for a month or so?

13 MR. MACKEY: Possibly could because we're on  
14 a federal time line for funding. It depends on when the  
15 fund were allocated. I ask that you vote on it, pending  
16 the guidlines you have given us.

17 MR. KAUFMAN: I didn't make a motion, I  
18 suggested tabling it. I'm not sure I'm comfortable with  
19 the procedure. I'm not saying you're trying to bulldoze  
20 us. You have a good track record with us. I would like  
21 to hold it for a month. I would like to see if we do  
22 hold for a month, I would like to see the form  
23 corrected.

24 Since we're in a preliminary planning stage

1 the possibility of a bike lane, we might be looking at.  
2 Preliminary is good for getting a feel for the plan.  
3 And also replantings, giving us a little more of a  
4 comfort level. That is where I think it should be  
5 going. Personally I'm willing to risk the feds not  
6 coming through.

7 MR. GULBRANSEN: Do we know that the month is  
8 sufficient time to for them to address whether bicycle  
9 path is sufficient. Is there an overpass; it might not  
10 be. Is a month enough time to answer the question  
11 specifically enough?

12 MR. KAUFMAN: We can go month by month, if we  
13 need to. I'm trying to accommodate them and also our  
14 concerns.

15 MR. MACKEY: We're very limited in what we  
16 can do. On the north side, a new wall has been built on  
17 private property by the property owner, which it's not  
18 even close to being cost effective to even encroach to  
19 that wall. Also we have, I don't know where the bike  
20 lane is going to go, on the south of Wellwood we have  
21 the cemetery property. We are kind of limited. We have  
22 a pipe a easement as well. We're very limited as far as  
23 areas where it would even be possible.

24 MR. GULBRANSEN: Can you answer the question

1 about bike accommodation in a month's time or are we  
2 asking a question that might take three months to  
3 answer?

4 MR. MACKEY: It would probably take less than  
5 a month.

6 MR. SCHNEIDERMAN: You're concerned about the  
7 timing because of the federal funding. I think the bike  
8 lane is a great idea. It's a policy idea, not an  
9 environmental question. I don't think this body ought  
10 to be holding up for that. That is something that the  
11 planners, legislature should be looking at this issue.

12 THE CHAIRMAN: To me it's a very important  
13 environmental issue, because of the natural resources.

14 MR. SCHNEIDERMAN: Not necessarily in terms  
15 of assessing the impact of a project. I'm not saying  
16 biking isn't great for the environment. I bike, I love  
17 to bike. We need to do a far better job in terms of  
18 creating an infrastructure for biking, but do we want to  
19 hold up this project?

20 THE CHAIRMAN: I don't want to hold anybody  
21 up, but on the other hand, the EAF is sort of sloppily  
22 done. It needs tweaking.

23 MR. SCHNEIDERMAN: I think if you're going to  
24 make a motion to table, we need to articulate precisely

1        why we're doing that.  What areas of the EAF do you  
2        think they need to clean up.  If I'm not inclined to  
3        table it.

4                MR. KAUFMAN:  Jay, this is not a policy  
5        question in my mind.  It had EAF does not conform with  
6        the standard EFA's that we require.  When the numbers,  
7        contiguous areas, acreage to be required don't seem to  
8        match up and they're given an interpretation by the  
9        consultant that I find a little hard to follow and he's  
10       right here and I'm not fully understanding.

11                When the EAF says "meadow," is it treed or not  
12        treed?  I don't know what is being knocked out at this  
13        point in time and I know the area.  I don't know what is  
14        being taken out.  In terms, when the traditionally when  
15        the EAF has this many problems, we have tabled it, when  
16        possible, to have the corrections made because this is a  
17        legally binding document.

18                Second off, we did talk a couple of minutes  
19        ago about some of the replanting issues in the area.

20                MS. RUSSO:  ~~said~~ In terms of how the planting  
21        plans tie into all this, but this is concerning me  
22        enough that I would like to see something, at least  
23        preliminary, maybe a sketch map of something like that.  
24        Plus, flush out the details is what I'm talking about.

1 Yes ~~is~~ if a bike lane can go in there. That is  
2 something we asked DPW to do a few years ago and they  
3 are doing it. Not a policy question, but as a reduction  
4 of energy and that kind of thing.

5 MS. SQUIRES: I wasn't talking about a bike  
6 lane for recreational purposes, I'm talking about a bike  
7 lane as an alternative transportation to using your  
8 car. In addition, when you were talking about the fence  
9 that you were talking about, I think everyone needs to  
10 know in that location the Litwin property is more than  
11 just an ordinary fence, it's a stone wall with a fence  
12 on top. That is a wrought iron fence, that is going to  
13 be a very large arboretum area. It's going to be a huge  
14 infusion of money. It's a botanical area.

15 Mr. Litwin has the resources to do something  
16 extraordinary there and in fact may be a destination  
17 place for people to ride a bike to. I don't mean to  
18 over do the bike issue, but I think in this day and time  
19 we cannot ignore it.

20 MS. GROWNEY: Is it possible to do a  
21 conditional?

22 THE CHAIRMAN: CND?

23 MS. RUSSO: I would like to make a motion  
24 that we table it for just one month and come back with a

1 fully refind EAF with all of our questions as far as  
2 acreage and numbers, list native species that you would  
3 plant, especially for the two acres of woods that will  
4 be cut down, and come back with some good hard data and  
5 to why or why not you could put in a bike lane.

6 MR. MACHTAY: I have a question. On  
7 archeological resources, did you do any studies in this  
8 northern area where you're planning to do some widening?  
9 And changes.

10 MR. BAZATA: We do presently have a letter  
11 out to the Office of Parks and Recreation and DEC to  
12 notify us of any historical buildings, archeological  
13 findings in the area. We have the means to hire an  
14 archeologist, if need be, to determine.

15 MR. MACHTAY: On the northeast side, where  
16 that fence is being built, that wall and fence, right at  
17 the corner of Colonial Springs and Pinelawn Road, that  
18 was a Town of Huntington piece of property. It was  
19 designated for many years on the town parks map. Court  
20 case decided that it was not a park, and Mr. Litwin was  
21 able to buy it from the town.

22 But it was our understanding from somebody  
23 that used to be with the town, two people that used to  
24 be with the town, that that particular location was the



1 site of an ancient copper mine, in which case, it would  
2 indicate habitation in the area of natives at the time.  
3 So, I think maybe should look into that. See if you're  
4 destroying any archeological artifacts.

5 MS. SQUIRES: Just one last question, who are  
6 you talking to in the Town of Huntington?

7 MR. BAZATA: I can give you the name I have.  
8 Craig Turner.

9 MS. SQUIRES: Have you a response from  
10 Craig?

11 MR. BAZATA: Yes, we do. I have a letter,  
12 right here. If you would like me to read it to you or  
13 provide it for you.

14 MS. SQUIRES: Does it raise these issues?

15 MR. BAZATA: No, he has not. We just  
16 mentioned the project to him. We asked if there were  
17 any objections and if there was any development we  
18 needed to know about in the area as well.

19 MS. SQUIRES: You were asking about specific  
20 development issues rather than an evaluation of the  
21 EAF. Did it go to Engineering, this project? Did it go  
22 to the Department of Engineering? It it go to Pat Del  
23 Col?

24 MR. BAZATA: I have to ask Craig if he passed

1 the information along to them. We just received the  
2 response myself.

3 MR. SCHNEIDERMAN: Did Craig get it with as  
4 short a review time as we did? I just got mine on  
5 Friday. Did Craig Turner, by chance, get it with that  
6 little time to evaluate?

7 MR. BAZATA: No, he did not.

8 THE CHAIRMAN: We have a motion. Do we have  
9 a second?

10 MS. SQUIRES: To table?

11 THE CHAIRMAN: Yes, for one month.

12 MS. SQUIRES: Second.

13 THE CHAIRMAN: We have a motion and seconded  
14 by Joy Squires. Any further discussion?

15 MR. GULBRANSEN: Did the motion include any  
16 questions that they have to follow up on with regard to  
17 it jug handle, or are we done with that?

18 THE CHAIRMAN: It didn't include that. They  
19 answered my question satisfactorily.

20 MR. BAGG: If I might ask one thing more, EAF  
21 has a section on public input, Number 20. If you have  
22 letters from municipalities, I suggest you include them  
23 in the EAF.

24 THE CHAIRMAN: Any further discussion? All

1 in favor of the motion. (Show of hands) Opposed?  
2 Abstentions?

3 MR. KAUFMAN: Abstain.

4 MS. SPENCER: So do I.

5 MR. KAUFMAN: I vote to table.

6 THE CHAIRMAN: You decided to vote to table.

7 Okay, thank you. Just one comment. I know the last  
8 couple of times the Highway Department has been here, I  
9 feel like maybe they have been beat around the head and  
10 shoulders a little bit. We certainly don't mean to do  
11 that. But it is our job to make sure that not only are  
12 the important questions answered, but that the paperwork  
13 in fact is properly filled out and consistent, and if  
14 somebody in the Highway or Engineering department could  
15 make sure in proofreading this that these questions are  
16 answered, it would speed the process.

17 MR. <sup>mackey</sup>MACHTAY Just clarification of some of  
18 the interpretations. As far as what acreage is, this  
19 needs a little clarification on some issues, as far as  
20 how much area. He's showing some of the areas that you  
21 had in question are incorporated in other areas, so that  
22 is why it doesn't look like it to you. It <sup>adds</sup>~~adds~~ up, but  
23 in actuality it does -- well, clarify it. Even if we  
24 have to put a little note on the form, we will do that.

1           THE CHAIRMAN: Understand this is a public  
2 document and if CEQ who ~~seats~~<sup>sees</sup> these kind of forms every  
3 month, can't interpret it. Then the general public  
4 can't. Eventually, they may raise Cain with what the  
5 county is trying to do.

6           THE CHAIRMAN: I think we have another one,  
7 CR-58, early implementation project.

8           MR. MACKEY: To present this project is  
9 Steve Normandin, President of RBA Group.

10           MR. NORMANDIN: Good morning, I'm Steve  
11 Normandin, acting as consulting engineers for the  
12 Suffolk County DPW. Reconstruction of County Road 58 in  
13 Riverhead. To give you a brief history, the Suffolk  
14 County DPW conducted a highway corridor study, federally  
15 funded project from the limit of County Road 58 from the  
16 Long Island Expressway on the western end to Route 25  
17 where it ends.

18           Out of that study there were concerns  
19 identified, ones that would be expedited under this  
20 project called the early implementation project, which  
21 the county is embarking with their own funds. The  
22 project area itself, to give you a description, from the  
23 Expressway, come off at the Tanger Outlets. It's five  
24 lanes. The westbound lanes continue two lanes out to

1 infamous traffic circle.

2 In the eastbound direction, the lanes vary  
3 from single lane to two lanes, starts out around Tanger,  
4 two lanes, narrows down to one lane and comes back to  
5 two lanes for a short segment in front of one of the  
6 larger shopping sections and just west to Osbourne  
7 Avenue, just east of the traffic circle. What the  
8 county is willing to do is taking the success of County  
9 Road 38 project out in Southampton, convert the four  
10 lanes into a complete five lane section and reduce the  
11 significant bottleneck, which has been documented, and  
12 the town has been griping about. They are in full  
13 support of the project. I have a letter from the  
14 supervisor. They are looking to get this project done  
15 as soon as possible so it Steve Levy. Project itself,  
16 his actually done with in the existing sixty six foot  
17 right of way no right of way.

18 The section itself, what it is right now is  
19 four lane and a sidewalk area. We are going to take a  
20 little bit out of the sidewalk area, approximately four  
21 feet on either side, to widen for the eastbound through  
22 lane, exit from a center lane, eleven foot lane and have  
23 through lanes, an twelve foot outside lane and narrower  
24 five foot six sidewauk area which is still ADA

1 compliant.

2 One of the key components to the project is  
3 converting the traffic circle into a two lane modern  
4 roundabout, would be the first on Long Island. There is  
5 an existing circle there now. What this project does is  
6 make the single lane into two lanes and incorporate more  
7 of the modern roundabout features as opposed to the  
8 antiquated traffic circle that is there now. It will  
9 significantly improve traffic capacity analysis done by  
10 the county consultant, even sent up to Albany New York  
11 State DOT roundabout design group for their review and  
12 they approved the design and believe that it will will  
13 work significantly better.

14 THE CHAIRMAN: What as the difference between  
15 the modern roundabout and traditional traffic circle?

16 MR. NORMANDIN: If you notice the circle that  
17 is out there now, it's very wide. You come in more of  
18 perpendicular angle. The modern roundabout uses a  
19 splitter. Everyone who enters the circle itself will  
20 yield to the circulation inside the circle. We will  
21 narrow the lane widths to a more comfortable lane width,  
22 as per standards. We will incorporate a truck apron so  
23 trucks who traverse the now two lane round about, it's  
24 designed they can, if need be, cut across the apron

1 which is in red in the center.

2 MR. MACKEY: As you enter into the roundabout  
3 as a circle, you enter perpendicular as a roundabout you  
4 enter tangentially.

5 MR. KAUFMAN: you're already funneling it to  
6 enter it circle. The added safety feature is the fact  
7 there is a hospital right there. The second thing is  
8 speaking of the hospital are there entrance or exit  
9 lanes leading to the hospital that are maybe too close  
10 to the round about?

11 MR. NORMANDIN: There is an existing driveway  
12 right here now, which, will be maintained as they  
13 reconstruct further.

14 MR. KAUFMAN: You don't think that will have  
15 an impact on the roundabout?

16 MR. NORMANDIN: Actually, the queue from the  
17 traffic circle now goes right by it, blocking the box,  
18 so to speak. The efficiency of the roundabout itself  
19 will alleviate that condition.

20 MS. GROWNEY: So I can understand, you're  
21 saying when you get into the circle, there is already  
22 cars going around that are closer to the inner circle  
23 then you're merging into that circle.

24 MR. NORMANDIN: There are a lot of misnomers

1 about roundabouts, especially a two lane roundabout.

2 MR. MACKEY: The state has many materials  
3 they provide when you install a roundabout. But the  
4 misnomer, I can't see it from here, but if memory serves  
5 me correctly, if you're going straight through you don't  
6 have to merge any lanes.

7 MS. GROWNEY: It's two lanes of cars that are  
8 going around a hub essentially.

9 MR. MACKEY: Essentially.

10 MR. NORMANDIN: Obviously, the east-west  
11 movement as the heaviest add has two through lanes,  
12 those lanes in clear signage and striping will be in  
13 their correct lane assignment prior to getting into the  
14 circle. It will be marked for throughs and if you want  
15 to go to it right and left. There will be absolutely no  
16 changes of lane in the circle, hence the confusion and  
17 your issue, I can't get out. That wouldn't happen  
18 because it physically can't.

19 MR. MACKEY: It will be as a sign before approaching the  
20 roundabout so people will know that it's coming in,  
21 which exact lanes and directions go where.

22 MS. GROWNEY: When you approach it, you can  
23 go to the right if you're going to be making the next  
24 right or you stay --



1                   MR. MACHTAY:    (Interposing)  Which way are  
2    you approaching from.

3                   MS. GROWNEY:    I'm heading east.

4                   MR. MACHTAY:    If you want to continue heading  
5    east you can stay in your lane, go around and go  
6    through.  If you're in the outer lane, you can go around  
7    and go to your right.

8                   MR. NORMANDIN:   There will be over late lane  
9    assignment signs.  You will see you can go through in  
10   this right lane or make the quick right itself.

11                  MS. GROWNEY:    Overhead signage sounds like a  
12    good idea rather than signage on the side of the road.

13                  MS. SQUIRES:    There are two roundabouts that  
14    are small that I think work beautifully.  One is on  
15    Gerard Street in the Town of Huntington and the other  
16    one his in north haven and they it seems to me both of  
17    them work absolutely beautifully.  We in Huntington had  
18    to do a lot of education to the point that the  
19    supervisor got on a fire engine to show how on the  
20    cement.

21                  MR. MACHTAY:    There is also one in Great Neck  
22    and I believe they just built in Southampton.  The DOT  
23    Website even has a tractor trailer pulling a modular  
24    home that his able to navigate these.  I think also one

1 in Scuttle Hole and something else.

2 MS. GROWNEY: Yes.

3 MR. BAGG: What is the level of service of  
4 the existing traffic circle and the concentrate and  
5 what as the prone ed level of service with the proposed  
6 traffic circle and safety.

7 MR. NORMANDIN: Accident data I don't have  
8 offhand. I can get that. I have a document that is two  
9 inches thick that you can cull from. Levels of service,  
10 as you know, you only have to know A through F. The  
11 bottleneck extends almost to the raceway and express.  
12 Way. That is going to been E or F on a given Saturday  
13 or p.m. condition. This is B or C condition.

14 MR. BAGG: You're assuming that it will also  
15 improve traffic safety as well.

16 MR. MACHTAY: Yes, safety from a traffic  
17 circle as compared to a round about is improved.

18 MR. NORMANDIN: There is no way to cross the  
19 intersection, there is no crosswalk. There is a  
20 crosswalks on each approach with a refuge island in  
21 between.

22 MR. KAUFMAN: R-30 wetland, getting away from  
23 the traffic circles, which is right adjacent to the  
24 road, how is that being protected? I think probably the

1 fact that you're staying within the right of way that  
2 exists right now, I didn't see positive drainage on  
3 there. But I think that is probably the way you're  
4 going.

5 MR. MACKAY: One is standard DEC policies and  
6 Suffolk County DPW policy will pertain to protecting the  
7 wetlands. As far as drainage, a separate drainage  
8 project was given a neg dec by the county and that  
9 project was CP-5543. These were supposed to be separate  
10 projects and they are, but that was supposed to go  
11 first. With the county exec wanting to push this up, we  
12 will try to keep in mind, have them work together but  
13 not together.

14 MR. KAUFMAN: Would that have been about six  
15 months ago?

16 MR. MACKEY: I do not recall, I apologize.

17 MR. NORMANDIN: As suggested in this report  
18 and with regard to R-30, currently the drainage flows  
19 directly into that wetland. This project will, as a  
20 minimum, collect it in three or four separate leaching  
21 basins with an overflow through a stormwater treatment  
22 system into the wetland itself, so it will further  
23 improve the existing condition by far.

24 MS. RUSSO: Page 8 we talk about under New

1 York State DEC you have freshwater wetland should not.  
2 You also have a stormwater permit.

3 MR. NORMANDIN: As far as greater than the  
4 acreage disturbed?

5 MS. RUSSO: You're disturbing one point  
6 seven.

7 MR. KAUFMAN: You would make an affirmative  
8 finding that you would meet the SPEDES and swamp  
9 requirements of DEC?

10 MR. NORMANDIN: Yes.

11 MR. SCHNEIDERMAN: Can I ask a question? Is  
12 there a way for people riding bikes to get to this?

13 MR. NORMANDIN: My firm is a big proponent  
14 for bike lanes. We have identified over a hundred  
15 corridors throughout Long Island. I believe that is not  
16 one of them. Like I initially said, it's a federal  
17 project which is actually widenings and takings to make  
18 wider sidewalks and expand with shoulders. This project  
19 is a quick fix which will significantly fix things. We  
20 are maxing out the right of way as much as we can. Curb  
21 side lane is not even. When we barely have a sidewalk.  
22 If we could, I would.

23 It I think that is it. The point of the  
24 project is we're going to also redo the infrastructure,

1 milling, all new crosswalks and striping, pedestrian  
2 signals.

3 MR. KAUFMAN: Motion as unlisted negative  
4 declaration.

5 MS. RUSSO: Second.

6 THE CHAIRMAN: Any further discussion? All  
7 in favor? (Show of hands) Opposed. Abstentions.  
8 Motion carries.

9  
10 THE CHAIRMAN: We postponed the Gabreski  
11 Airport. Now we're on Suffolk County Brownfield EAF.

12 MR. MEYERS: James Meyers with Suffolk County  
13 Health, Engineer.

14 MR. SEYFARTH: Rob Seyfarth, Suffolk County  
15 Health.

16 THE CHAIRMAN: Welcome, gentlemen.

17 MR. MEYERS: All the sites are Suffolk owned  
18 properties. There all in one of the various DEC  
19 Brownfield programs. All the project are environment  
20 remediations which, by their very nature, entails  
21 significant benefit always as opposed to adverse  
22 impacts. It is an unlisted action. There is no future  
23 plans. If there is a future plan, this will be part of  
24 the project with its own SEQRA project.

1           Not all the projects have final remediation  
2 plans at this point. We have some money that we need to  
3 appropriate so we need a SEQRA determinations in order  
4 to do that, and that is why we're here at this point in  
5 time.

6           You should have five packets, one for each  
7 site. Bellport gas station site was taken by Suffolk  
8 County 1999 for failure to pay taxes. Based on the  
9 site's history, the county applied for and received a  
10 grant to have the CVDDE targeted site assessment is a  
11 free investigation to determine what type of problems is  
12 at the site and needs to be done. That was done.  
13 Unfortunately, they missed some critical items. We  
14 applied to the DEC to have a new study done under the  
15 environmental restoration program, and the ERP program,  
16 ninety percent of all work done on site and a hundred  
17 percent of work done off site is a hundred percent  
18 reimbursible.

19           We are not exactly sure what is going to  
20 happen as far as remediation, but will include  
21 remediation of sanitary service, costing about a hundred  
22 thirty-five thousand dollars just to remediate the  
23 site.

24           THE CHAIRMAN: Any questions on the site?

1 MR. MACHTAY: Are you looking for one SEQRA  
2 determination on all the sites together or individually  
3 SEQRA determination?

4 MR. MEYERS: However the council wants to  
5 that.

6 THE CHAIRMAN: We will do that indiviually.

7 MR. BAGG: These are separate capital project  
8 programs?

9 MR. MEYERS: One.

10 MR. BAGG: One neg dec for all the sites.

11 THE CHAIRMAN: They<sup>are</sup> not separate capital  
12 programs; that is fine. Go ahead.

13 MR. MEYERS: Any of questions on this site?

14 MR. GULBRANSEN: I have one question. Does  
15 the intended use in the long-term affect the  
16 remediation cost estimate?

17 MR. MEYERS: Yes, it will. If it's  
18 residential as opposed to industrial-commercial, that  
19 can impact the type of remediation that is.

20 MR. GULBRANSEN: Which type did you use?

21 MR. MEYERS: At this point we are assuming  
22 that it will continue to be a commercial use. Next  
23 site, Ronkonkoma Wallpaper. This site was also taken  
24 for failure to pay taxes by the county in 2001. County

1 resolution 1127- 2003, requiring the county to remediate  
2 the site at that time.

3 The DEC Brownfield program was reorganizing,  
4 so there was no program to enter. That was done at the  
5 county's expense. It's about a hundred eighty thousand  
6 dollars the county spent to remediate some lead  
7 contamination.

8 We plan to do another investigation to better  
9 delineate the contaminants at the site and further clean  
10 it up. We estimate at this time it may cost about a  
11 hundred thousand dollars to clean up the site. That  
12 will entail probably excavation of contaminated soil.

13 THE CHAIRMAN: Where do you bring the  
14 contaminated soil?

15 MR. MEYERS: In an approved facility,  
16 usually out of state. There is no approved places on  
17 Long Island.

18 MS. RUSSO: Page 4, your solid waste, your  
19 components, a hundred eighty tons. You made note it's  
20 non-hazardous. I'm assuming quite a bit of solid waste  
21 will be hazardous.

22 MR. MEYERS: There could be quite a bit of  
23 hazardous waste at the site; that's correct. That would  
24 be a mistake. Any other questions on the site? Next,



1 Blue Point Laundry. This again was a site taken for  
2 failure to pay taxes in 1998. DEC performed an  
3 assessment at the site. VOC's semi-volitiles and metals  
4 we applied for a grant for the DEC and unfortunately,  
5 the program ran out of money.

6 Again, it will consist mainly of excavation of  
7 contaminated soil.

8 MR. BAGG: Although these are one capital  
9 program items, you have to apply separately to DEC.

10 MR. MEYERS: Yes.

11 MR. BAGG: DEC plans a neg declaration for  
12 each project.

13 MR. MEYERS: Correct.

14 MR. BAGG: You should have a separate neg  
15 declaration for project for submittal to the DEC.

16 MR. KAUFMAN: We can probably do this at the  
17 end. There is a stream that runs underneath the  
18 property from Purgatory Creek on down. Given the fact  
19 that there have been some problems with piping in the  
20 county, anyone looked at the pipe, is it rusted out, is  
21 it leaching?

22 MR. SEYFARTH: The pipe is under grade. We  
23 have not look at it at all.

24 MR. KAUFMAN: You may need to look at the

1 pipe itself. If the pipe is wholly contained and there  
2 is no leachate coming off the property, that is one  
3 thing you need to look at. Otherwise, it's going into  
4 wetlands, because it's a creek it's probably a wetland  
5 itself right now. You probably need to look at it to  
6 see if there is contamination. You probably want to do  
7 a water analysis at the outlet.

8 MR. MEYERS: We applied to the DEC to do some  
9 more analysis at the site and it was turned down. They  
10 said if you want to apply for remediation, we did. We  
11 intend to do some further monitoring at the state as  
12 part of the remediation plan.

13 THE CHAIRMAN: Has it been checked for  
14 groundwater plumes?

15 MR. SEYFARTH: With several groundwater  
16 samples collected during early monitoring. As Jim was  
17 saying, we thought that it was inadequate to fully  
18 define what was there. The DEC turned down our proposal  
19 to do any additional work and they told us to come up  
20 with a work plan. That is where we are now.

21 We will do additional sampling to better  
22 define the areas of contamination, and doing that  
23 investigation will increase our knowledge of what can be  
24 going off towards Purgatory Creek and so forth.

1           MR. KAUFMAN:    Larry's question is well taken  
2           in that the depth of groundwater ranges from three feet  
3           below ground surface to approximately twenty feet  
4           elsewhere.  You most likely do have contamination in the  
5           three foot area.  You most likely have a plume there.  
6           Say there were contaminants found in the ground.  And  
7           the plume that we assessed.  We asked to do an  
8           additional investigation.  They felt we had gone back to  
9           them on several of these and said we don't think the  
10          targeted site was adequate.  We were turned down.

11          The way we planned on addressing that was do  
12          the full range of contaminants to be be able to better  
13          define how much was there, and based on those numbers,  
14          we can expand any kind of remediation that was  
15          required.

16          THE CHAIRMAN:   The community, is the  
17          community on public water?

18          MR. SEYFARTH:    Yes.

19          MR. GULBRANSEN:   You're talking about  
20          clean-up, switching from soil to surface water to  
21          groundwater.  Is your clean-up starting to talk about  
22          recovery wells and so forth.  Say say we need to do a  
23          full investigation.  Right now the levels in the  
24          groundwater that we know are there probably aren't worth

1 going after. It's probably less than than what is in  
2 the runoff in the streets. One of the problems with  
3 going forward at this level, with a lot of these  
4 remediations, we don't know the full extent because part  
5 of what we're doing is completing the investigation  
6 portion. From that there will be a whole set of  
7 remedial alternatives to be developed.

8 We will look at them and say what is the  
9 benefit for the money you are putting into it. Some of  
10 the groundwater issues are so insignificant that it's  
11 not worth going after. It may be just monitored that  
12 once you remove the source, the groundwater is cleaning  
13 up itself, as expected. Others may need further  
14 remediation. Without doing further analysis it's hard  
15 to determine which method DEC will chose.

16 MR. GULBRANSEN: The motion is to empower  
17 them to continue this plan when we don't know how it's  
18 going to come out.

19 MR. KAUFMAN: To put it bluntly, they're  
20 alluding to problems with DEC. This approach cuts the  
21 Gordion knot, if you will. It avoids them having to go  
22 back and forth.

23 MR. BAGG: I think what the situation is we  
24 want to remediate these sites pursuant to federal and

1 state standards. Whatever is required, whether it's  
2 soil removal or groundwater remediation, it has positive  
3 environmental benefit and these sites have been  
4 previously altered and disturbed so that no matter what  
5 they have to do to meet the federal and state standards,  
6 it's a federal and environmental impact, and doesn't  
7 warrant further review here. That is why they submitted  
8 both, but they don't know at this time. And do  
9 whatever they have it do to remediate.

10 MR. GULBRANSEN: With all due respect, taking  
11 action of three of these five is going to result in  
12 expenditure of resources we don't have the resources to  
13 act. It's conceivable that taking action on a laundry  
14 facility issue could assume money that might be more  
15 urgently needed for a program that is going to pop up in  
16 October.

17 I'm concerned about proceeding with these  
18 five. As best you would without understanding, are  
19 there more in the queue that might also want to be  
20 attended to or, is this the queue for the immediate.

21 MR. MEYERS: These are the five that we  
22 identified at this point. Because of the red tape  
23 involved with Brownfield programs, it's well known about  
24 that in the country. The pot of money and the type of

1 project. Is it in stone as far as this amount of money?  
2 Isn't it stone. We can move around the amount of money  
3 to other projects if we feel it's more important.

4 MR. GULBRANSEN: That is what I wanted to  
5 know.

6 THE CHAIRMAN: Most hazardous waste things  
7 the owner, chain of ownership is considered viable and  
8 you have to pay to fill it up. If I want to avoid that  
9 and save a lot of money, I just don't pay my taxes the  
10 county takes it over and we're stuck with it.

11 MR. SCHNEIDERMAN: In real estate we  
12 typically before, we take property, we do an environment  
13 assessment to determine if that would be a problem. I  
14 don't know, I'm not a lawyer, to what degree the  
15 polluter is still responsible even after the deed is  
16 transferred. Maybe Mr. Isles can answer that. It's an  
17 interesting question.

18 I know we are careful about taking these  
19 properties. We typically don't hold them, we auction  
20 them to someone else. Is the county liable?

21 MS. GROWNEY: Yes.

22 MR. KAUFMAN: Generally the former owners  
23 would still be liable, if you can still find them. That  
24 is the lesson with Hooker Chemical. There is a

1 situation under SEQRA when it comes to a municipality  
2 that there can be a break in the chain. In other words,  
3 the municipality can sell that land if there has been  
4 clean ups done, et cetera, and it does provide for  
5 immunization, if you will, of the municipality.

6 I think that is the procedure. I haven't done  
7 SEQRA in a while. Correct me if I'm wrong.

8 MR. BAGG: County in the past has acquired  
9 some of these sites through tax default, or there have  
10 been two of them on the airport were actually given to  
11 the county with Gabreski Airport. They preexisted our  
12 taking the property. But the county does have in place  
13 now that before any properties would be taken for tax  
14 default, they are reviewed for any kind of contamination  
15 and the county will not take them for tax default if  
16 they are contaminated; that is the policy in place now.

17 THE CHAIRMAN: To answer Tom's question,  
18 there may be a lot in the chain.

19 MR. SCHNEIDERMAN: To what degree should we  
20 require the successful bidder to have to clean up that  
21 site before they can resell it? We have had lengthy  
22 debate with the legislature about this issue. That  
23 issue isn't entirely resolved yet, but it's an  
24 interesting one.

1           MR. GULBRANSEN:    Nor has the DEC come up with  
2           a policy.

3           MR. MEYERS:    Any more on the laundry site?  
4           (No response)   Canine kennel is about a one acre square  
5           or oddly shaped parcel just south of a former abandoned  
6           canine kennel.  It's not actually the kennel itself,  
7           it's near the kennel.  It was used in the past by the  
8           air force for deposit of debris and the DEC got a  
9           complaint in the early 1990's they they investigated and  
10          that is when the PCP contamination was discovered.

11          The last site was put on the Superfund list.  
12          Later the county applied for inclusion in the Brownfield  
13          program.  Under that program, since it was a Superfund  
14          site, there is no reimbursement but there is a program  
15          for cleaning it up quicker.  The county just did an  
16          extensive evaluation of the site to fully delineate the  
17          extent of the contamination.

18          Right now we anticipate it may cost us as much  
19          as two million dollars.  That will entail excavation of  
20          soil, perhaps some capping of certain areas.

21          MR. BAGG:    CEQ reviewed the 1990 airport  
22          Master Plan.  At that time, the Master Plan said that  
23          these sites would be cleaned up.  We are now at that  
24          point that we're hoping to have them remediated.



1 MR. GULBRANSEN: Same question was raised  
2 earlier by Mike on the previous site. Adjoining creek,  
3 is that part of what is being investigated.

4 MR. MEYERS: PCP's, they don't move. They  
5 stay tightly bound up in the soil. There is no  
6 groundwater impact at this point. They're bound up in  
7 the soil and they haven't left the site.

8 Last site is the Gabreski Airport District. A  
9 PDD is the existing commercial industrial area just on  
10 County Road 31, north of the existing base there, the  
11 national guard base. The main problem on that site is  
12 an old jet fuel plume from previous air force use. It's  
13 currently being cleaned up. Progress is being made,  
14 so the county approved for the Brownfield program and it  
15 was approved for that.

16 They performed an investigation and  
17 preliminary work plan. In the investigation they found  
18 a plume a hundred seventy feet long of jet fuel. The  
19 existing sanitary and storm drain structures on site  
20 have to be investigated and redone if needed.

21 THE CHAIRMAN: Since Jim has determined that  
22 DEC has to get individual tests, we will go through  
23 these one by one.

24 MS. RUSSO: I was concerned with the Type 2

1 description Number 18 for typing the action, information  
2 collection including basic data collection and research  
3 water quality and pollution studies, traffic counts,  
4 engineering studies, surveys, subsurface investigation  
5 and soil studies that don't undertake or improve any  
6 Type 1 or unlisted action. Right now you said there is  
7 no future use for all of these.

8 MR. MEYERS: In the airport there is a future  
9 use planned, but they have already done a SEQRA process  
10 on that.

11 MR. BAGG: These are for studies. They're  
12 going to do a remediation here. This is physical  
13 alteration of the environment.

14 MS. RUSSO: The neg dec is for the study and  
15 after the study they will do the remediation plan.

16 MR. KAUFMAN: Site will be remediated in  
17 accordance with the neg dec~~4~~ approved work plan. One or  
18 two of them talk about studies. We may need to  
19 differentiate that and look. For example, Ronkonkoma  
20 Wallpaper facility, the site will be remediated. You  
21 may have a blend of Type 2's.

22 MR. GULBRANSEN: The extent of the study is  
23 how clear or unclear the remedy is. They're all driving  
24 toward the state of remedy. Say we were assuming there

1 is contamination of all the sites that would warrant  
2 remediation. Couple of sites like the canine kennel we  
3 have to remediate. We are in the state program. They  
4 will come back to us. We are in a Superfund. Those are  
5 to find out how much has to be remediated.

6 With Ronkonkoma Wallpaper we already have done  
7 significant remediation there but there are some loose  
8 ends. We are not looking for additional remediation.  
9 What we're assuming is we're going to find some pockets  
10 that are still there, areas that we may not have cleaned  
11 up completely when we we did it on our own, and go back  
12 and clean up those areas. Same thing with the Bellport  
13 gas station. We know we will have to go back, we have  
14 to go back and resample the drains and determine what  
15 needs to be done. The Ronkonkoma Wallpaper, it's  
16 possible we go back there and we don't find enough  
17 remaining in the soil to do anything further. We put  
18 limited wells in there and the wells were clean.

19 We want to better define areas we know to be  
20 contaminated and see if there are any groundwater  
21 issues. These are areas we know there is some  
22 contamination but not certain if DEC is going to require  
23 it.

24 MR. KAUFMAN: Motion for unlisted negative

1 declaration.

2 MS. GROWNEY: Second.

3 THE CHAIRMAN: All in favor? Any further  
4 discussion? Opposed, abstentions?

5 MR. KAUFMAN: Motion former Bellport gas  
6 station unlisted negative declaration.

7 MS. RUSSO: Second.

8 THE CHAIRMAN: Discussion? All in favor?  
9 Opposed. Abstentions? Motion carried. Gabreski APDD  
10 site. Motion, unlisted negative declaration.

11 MS. RUSSO: Second.

12 THE CHAIRMAN: No discussion. All in favor?  
13 Opposed? Motion carries.

14 MR. KAUFMAN: Motion, former Ronkonkoma  
15 Wallpaper facility, unlisted negative declaration.

16 MS. GROWNEY: Second.

17 THE CHAIRMAN: All in favor? Opposed?  
18 Motion carries. Kennel.

19 MR. KAUFMAN: Your former home. Former  
20 canine kennel site motion, unlisted negative  
21 declaration.

22 MS. RUSSO: Second.

23 THE CHAIRMAN: All in favor? Opposed?

24 Abstentions? Motion carries. Thank you. Good luck.

1           What we have all been waiting for, next topic,  
2           Final Generic Environmental Impact Statement for the  
3           Shelfish Aquaculture Program. Tom Isles from the  
4           Suffolk County Planning Department joining me for the  
5           presentation.

6           MR. DAVIES: DeWitt Davies, Environmental  
7           Analyst with the County Planning Department.

8           MR. GREENE: Greg Greene with Cashin  
9           Associates, consultant to the county, as well as Michael  
10          Mulé, assisting with the project overall, as well as  
11          with the presentation.

12       *Mr. Isles:* What I would like to do with our format, we  
13          appreciate your time. We would like to give a brief  
14          introduction to the project and turn to over to DeWitt  
15          Davies to go through the Final Generic Environmental  
16          Impact Statement as far as what steps were done, what  
17          the process was and where we are with the project and  
18          ask Greg to identify and address those issues that came  
19          from CEQ during the scoping phase of project sometime  
20          ago and we are certainly available to answer whatever  
21          questions you have.

22                 Suffolk County aquaculture lease program, it's  
23          interesting from the standpoint of the historical, goes  
24          back to 1984 when the legislature granted the authority

1 to lease underwater grant lands for the purpose of  
2 shellfish cultivation that began the process with tens  
3 of thousands of acres of underwater land to be  
4 transferred to Suffolk County and then transferred to  
5 private land owners for shellfish cultivation, oyster  
6 cultivation purposes.

7 More recently, there was an amendment to the  
8 law in 1989 that gave the county the ability to lease  
9 the lands. That went nowhere. That had complications  
10 and problems. For thirty years nothing happens. In  
11 2004, the legislature passed a law that said Suffolk  
12 County can proceed with a lease program, subject to  
13 doing certain steps, and for the last past three years  
14 that is what we have been doing. The State of New York  
15 retains regulatory authority over the lands.

16 Where we are in the process right now is the  
17 county executive directed the department to prepare a  
18 program in April 2005. Aquaculture Land Program  
19 Advisory Committee was created at that time. That  
20 consisted of seventeen communities, baymen interest,  
21 academic interest, Jay Schneiderman as chairman of the  
22 program in the county legislature. That committee met  
23 seventeen times, at least two public hearings, extensive  
24 public outreach process, a public Website that we

1 maintained. Retained our consultant in terms of the  
2 legislature in terms of funding for the project. What  
3 we have been asked to do is develop the program to bring  
4 back to the county executive and legislature to look at  
5 the program goals to sustain and maintain marine  
6 resources, provide underwater land access and provide  
7 authority for controlled predictable growth of shellfish  
8 farming.

9 We have ambiguity of how to achieve it in  
10 coordination, in compatibility with other interests in  
11 the bay, other interests such as environment, users,  
12 commercial fisherman, wild harvesters as well as  
13 recreational users and so forth. We have a number of  
14 outcomes that we're seeking to achieve in terms of  
15 creating a viable shellfish industry, increased  
16 population of filter fielding shellfish, improving water  
17 quality and having a program that can be sustained on a  
18 long-term basis but also one that we have taken an  
19 approach on that would be a limiting scale. That is one  
20 of the points that he will be presenting to you today.

21 Although the Peconic Bay is a hundred fifty  
22 thousand acres, overall we're talking about a very, very  
23 small percentage of land that could be made available  
24 for this use. All of which would be subject to a full

1 DEC review. Without further adieu, I would ask DeWitt  
2 Davies to run through a presentation of where we are in  
3 the program.

4 THE CHAIRMAN: Before you begin, for  
5 clarification, it's my recollection that you actually,  
6 if this goes forward, you actually have to complete the  
7 process by 2010 to get your first lease out so we know  
8 what the time frame is.

9 MR. ISLES: By state law.

10 Mr. Davies: As Tom mentioned, I will be  
11 giving you a synopsis of where we have been over the  
12 last twenty months or so. I will be followed by Greg  
13 Greene, the principal consultant on the project. This  
14 next graphic here shows our identification of the area  
15 on this particular project. You see this particular  
16 line through here west of the Gardiners Bay system, here  
17 is ceded to the county for this particular project. A  
18 hundred ten thousand acres. The county cannot lease any  
19 property within one thousand feet of the high water  
20 mark. The photo shows a hundred thousand foot buffer  
21 here around the shore line. This is about three and a  
22 third football lengths wide. That is our planning  
23 area.

24 We have about ninety-one thousand acres left



1 out of the hundred ten thousand. Give you a little bit  
2 of an overview in terms of what is happening with  
3 respect to activity. For various purposes, market,  
4 restoration, restocking, as we speak today American  
5 oysters, hard clams and some scallops are under  
6 cultivation. Two techniques, bottom culture raising of  
7 shellfish either on the bottom, or off the bottom,  
8 either in cages, racks or similar types of things.  
9 Various types of gear here. You can see the scale of  
10 the operations, oyster racks and cages, bags, nets. The  
11 distinction between being on bottom and off bottom is  
12 important. On bottom means growing of shellfish on the  
13 bottom of a natural underwater lands. Off bottom uses  
14 different techniques, which includes containments, small  
15 hydraulic dredges, also by rakes. The shellfish are not  
16 contained in any structures when on bottom culture  
17 occurs. All culture activities are regulated by the New  
18 York State DEC through issuance of permits.

19 One of the first things that we had to do with  
20 the project is identify all of the current aquaculture  
21 operations in the way as well as those profits  
22 controlled by private interests for this purpose in  
23 order to account for them. This project would have been  
24 infinitely easier had we been dealing with a clean slate

1 with respect to the Peconic Bay area; we are not. We  
2 had to deal with existing operations and consider how we  
3 should have them participate in the leasing program as  
4 well as also accomodate new growth in this particular  
5 industry. We did conduct an extensive title search for  
6 the private oyster grants that are out there that were  
7 issued a hundred twenty years ago or so. We had to  
8 account for temporary marine assignments, which are  
9 clearly authorizations given by New York State DEC for  
10 contained or off bottom shellfish culture. Thirty-one  
11 assignments involving a hundred fifty-one acres for off  
12 bottom culture.

13 Consider the fact that we do a lot of activity  
14 on the assignments. The typical type of activity here  
15 with respect to off bottom culture involves cages,  
16 various types of gear and we do have some information as  
17 to what is permitted on those particular sites. Again,  
18 a lot of activity. This particular graphic shows the  
19 extent of private oyster grants in the Peconic Bay  
20 system. Approximately a hundred fifty acres we had to  
21 deal with that particular ownership right.

22 With respect to ongoing activities there, we  
23 have twenty-eight grants permitted for either oyster  
24 culture or cultivation for species other than oysters.

1 The oyster grants comes with the right to culture  
2 oysters. If they want to cultivate species, other  
3 species other than American oysters, we have  
4 accommodated that into the program and they have to  
5 accommodate that.

6 We have some of the activities associated with  
7 some of these individual companies, dealing within our  
8 program only those areas outside the thousand foot  
9 boundary; that is where we have this particular  
10 authorization to deal with the leasing program. Some  
11 companies only deal with oysters, some with other types  
12 of shellfish, for instance, hard clams.

13 THE CHAIRMAN: When a lessee brings in an  
14 animal to cultivate, you specify what species are  
15 allowed for; for example, you allow the oriental oyster  
16 that is proposed to be used in Chesapeake Bay come here,  
17 or are you proposing they use just the American oyster?

18 MR. DAVIES: In the regulatory authority there  
19 are certain procedures and authorizations provided under  
20 DEC with respect to Shellfish imports. All of this has  
21 to be certified disease free. To my knowledge, they're  
22 not bringing in any exotic species in this area, and  
23 certainly that is not something we would encourage under  
24 this particular program.

1           In terms of where we have been with respect to  
2 identifying those environmental and socio-economic  
3 sensitive areas, ~~Cashin~~<sup>Cashin</sup> Associates conducted an  
4 extensive interview process throughout the entire East  
5 End. This is a map showing various categories of  
6 information, yield grass beds, historic and current  
7 shellfish areas, multiple fisheries, areas where grants  
8 exist, where assignments exist, where other private  
9 ownerships exist. For example, south of Plum island  
10 where the state already issued, leased to a firm. We  
11 started with this layout in terms of what the existing  
12 uses and resources are and proceeded to develop a  
13 shellfish cultivation zone.

14           The green area on this map encompasses  
15 approximately thirty-three thousand acres, again out of  
16 a hundred ten thousand acres within which leases may be  
17 issue. In other words, any lease that the county  
18 considered issuing must be located in the mapped  
19 shellfish cultivation zone, which must be approved by  
20 the county legislature as part of this program. You can  
21 see there are some regular shapes, for example here,  
22 which encompasses existing privately owned grants.  
23 There are some amorphous shapes here which reflect those  
24 areas that don't impose conflicts that survive the

1 bedding process and for example, this line here, which  
2 is drawn there to avoid any sort of conflict with  
3 established navigation interests, we have a pattern here  
4 that is described in detail in the program and how we  
5 arrive at all these conclusions.

6 This is under development as we progress  
7 toward the end of this year in preparing a management  
8 program report. Those green areas show in detail next  
9 to North Haven, as you can see here they have them  
10 divided up into a grid system, which ~~Cashin~~<sup>Cashin</sup> Associates  
11 devised, showing potential lease sites in the shellfish  
12 cultivation zone. You can see a square with an internal  
13 square. The internal is a ten acre lease site and the  
14 external square is the buffer area. Don't be alarmed  
15 with the number of grids. We will get into that with  
16 the actual potential for changes.

17 We had to come up with a system for the public  
18 to come and look at the area and decide where they would  
19 like to pick a site or two for consideration under our  
20 program. In no way, shape or form will all these  
21 particular areas be leased; it's an impossibility. We  
22 had to devise a system whereby we could keep an  
23 accounting of call the potential areas and how they  
24 would be disposed. Again, I wanted to point out there

1 are buffers around each leased site and between one  
2 lease and another there would be over a football field  
3 length separating them. Lease program components, you  
4 have seen these before, they are included in Appendix  
5 A. These are the underpinnings of the program which  
6 have been described in detail in other documents that we  
7 are preparing now.

8 Just to point out some of the things involved,  
9 these components are a requirement for the public now.  
10 We discussed size and shape of leases, we discussed the  
11 document, relative productivity of proposed leased  
12 site. Where there are productive bottoms, even within  
13 the shellfish cultivation zone, we have criteria set  
14 aside to define those. We have requirements with  
15 respect to survey and marking leased boundaries. We  
16 also include things like lease rent, ten year lease  
17 terms, performances that the potential lessees will have  
18 to perform, like an annual report of activity. We deal  
19 with things with respect to how a lease can be relocated  
20 if that is necessary because of changing environmental  
21 use or lease patterns. If a lease is terminated or  
22 transferred, we have to deal with the removal of  
23 aquaculture culture equipment. If, in fact, the owner  
24 doesn't do that, then there are provisions for that. We

1 have to deal with the existing uses, end of lease  
2 program.

3           There are some new answers here with respect  
4 to where they're located within the thousand foot  
5 boundary and adjacent to it, et cetera. Suffice it to  
6 say most of these assignments are located where they  
7 most likely wouldn't have to be relocated. We have to  
8 get a lease to perform their functions on a circular  
9 five acre area or they can expand to ten acres. All of  
10 this would be subject to the public notification  
11 process. Private bed owners; there are fifteen grants  
12 over approximately twelve hundred acres where there are  
13 title issues. The first thing they would to do is  
14 prove they have private title. If not, they have to  
15 prove to us. If not, some of these properties will  
16 probably been returned to the public domain. A  
17 significant number of acres and could possibly fall off  
18 our zone map.

19           Requirements for private oyster grants, we  
20 deal with this in a particular way, depending on the  
21 extent to which the particular operations have conducted  
22 oyster culture only or hard clam cultures with oysters,  
23 et cetera. This is an interesting aspect of the program  
24 which we debated quite a bit early on. This is the

1 price for establishing leases for new entrants into the  
2 industry, something that the current situation doesn't  
3 necessarily encourage. We have come up with a  
4 determination that one percent per year increase in the  
5 acreage per year annually, that was roughly six thousand  
6 acre figure. We went back and forth with this  
7 particular number here on the committee, but we ended up  
8 with one percent per year for the first five years.  
9 Some people thought it should be more than that, but  
10 this is a compromise.

11 We have cultivation leases for experimental  
12 education purposes. Agricultural, not commercial.  
13 Let's not forget that aquaculture is an agricultural  
14 use. It's not an industrial use, it's not a commercial  
15 use. Despite what you may be reading in the newspapers,  
16 it is an agricultural use under state law.

17 Future actions and consideration. The state  
18 law requires a five year program review whereby the  
19 boundaries for the shellfish cultivation zone be  
20 evaluated, and if necessary, changed. The committee  
21 recommended the investigation of issuing leases larger  
22 than ten acres and less than fifty, and the program, as  
23 it stands now, would be subject to a significant  
24 environmental review after ten years of experience,



1       within limitation.

2                   The proposed scale, the council at our  
3 previous meetings, due to our particular inability to  
4 convey things in an appropriate way, questioned the  
5 overall envelope within which this program could operate  
6 in terms of potential maximum leases. We give a  
7 comparison, as you know, of the current status and what  
8 the maximum would be over the first ten years of the  
9 program. This column shows the existing situation; for  
10 example, a hundred fifty-five acres of assignments. For  
11 our grants, for other species, if all the grants used  
12 for cultivation of species other than oysters  
13 participated in the program and provided the appropriate  
14 documentation, they can get a lease on their entire  
15 grant. Maybe they can and maybe they can't. We will  
16 decide with respect to the documentation required.

17                   If a firm is cultivating oysters only, in  
18 fact, they don't have to get a lease. If they want to  
19 get a lease to do other things other than oysters, the  
20 fact that they're not doing hard shellfish now, we can  
21 only get a hundred seventy-seven acres of the fallow  
22 grants. Given our limitations of new leases on one or  
23 two ten acre leases on the fallow grants, we have a  
24 total of only six hundred twenty acres.

1           The new lease is subject to the limits,  
2           roughly thirty-one hundred acres. That is the situation  
3           is decided in favor of the applicant, they all decide to  
4           participate, they get maximum growth with respect to new  
5           leases, everything is decided in favor here of the  
6           applicant and they all decide to participate. That is  
7           about two point seven percent of the entire amount of  
8           underwater land in the system. Right now several  
9           thousand acres are already under cultivation. This is a  
10          maximum use over ten years. Frankly, in my estimation,  
11          we're never going to get near that.

12           The lease management program, program  
13          management report. We have to include a local law. We  
14          have to include the final maps. We have to develop and  
15          implement plan and recommend activities in concert with  
16          the program. That will address procedural  
17          requirements. For example, forms and instructions, we  
18          are preparing application forms. The form of lease  
19          agreement. What would have to be included in annual  
20          reports and other things with respect to actions  
21          involving potential lessees that we have to deal with.

22           The program completion and implementation  
23          schedule, we hope to complete the SEQRA process by the  
24          end of the year, draft by the aquaculture lease program

1 management report, we hope to complete also by the end  
2 of the year. We are being optimistic. Hopefully, this  
3 can be taken up sometime early in the new year and start  
4 implementation in April 2009. No leases have be issued  
5 by the county after December 31, 2010. The authority of  
6 of Suffolk County to lease will terminate.

7 I'll turn the presentation over to Greg Greene  
8 at this point.

9 MR. GREENE: Thank you. I'd like to give you  
10 a brief update on the SEQRA review and also tell you  
11 briefly how your particular comments that you heard  
12 earlier were addressed in the Final Generic Impact  
13 Statement. As you may recall, the draft was prepared  
14 March 2008. After the draft was prepared, there was a  
15 public review period, including a public hearing.  
16 Comments were received from CEQ also from the public,  
17 both in written form and in testimony at the hearing.  
18 Comments were also received from agencies and various  
19 other individuals and stakeholders. Those comments were  
20 reviewed, all reviewed, all summarized, put into general  
21 categories because there were many repeat comments.

22 Just to give you an idea of the range, the  
23 general categories of comment that were were received  
24 and addressed in the final GEIS, they're listed here.

1 For the sake of time, I won't go into all these now. I  
2 would like to specifically explain how the council's  
3 comments were addressed in the final GEIS.

4 The first comment here was probably a very  
5 important one. It was a comment that we should be clear  
6 in identifying what the objective and responsibility of  
7 the county lease program is. That responsibility is to  
8 provide access to underwater lands for shellfish  
9 aquaculture. The county does not regulate, does not  
10 have the right to regulate shellfish aquaculture and  
11 other shellfish operations under control of DEC. The  
12 DEC conditions permits and conditions of permits  
13 relating to harvest methods, harvest sites, size limit  
14 and many other factors regulated under the Environmental  
15 Conservation Law. That is not the role of the county in  
16 this program.

17 The county's role is to provide access of the  
18 underwater lands. We envision that the program will  
19 succeed with both the county and DEC working during the  
20 review period. The county will hold the public review.  
21 DEC input will be recieved at that point. If DEC needs  
22 to comment on any protective lease site, they will have  
23 the opportunity.

24 The second comment probably evoked more live

1 discussion than all others. That is the issue of  
2 hydraulic dredging. I would like to point out, it's not  
3 the county's role to dictate specific harvest methods  
4 and that type of thing. The final GEIS however, did  
5 contain a much more expanded discussion of hydraulic  
6 dredging and its impact. In fact, there is a separate  
7 appendices included to make sure all relevant data and  
8 literature was presented on those issues. FEIS also  
9 includes a discussion of factors in the program that  
10 would mitigate any potential impacts on hydraulic  
11 dredging.

12 There are two things I would like to point  
13 out. In our FEIS, GEIS, we made it clear that you must  
14 differentiate between hydraulic dredging associated with  
15 shellfish farming. It's not the same as dredging  
16 associated with channel dredging on a large scale or  
17 with wild stock harvests. In general, hydraulic  
18 dredging is focused, it's limited in time. The farmer  
19 knows where he planted the shellfish and he wants to  
20 retrieve them as efficiently as possible. It's not the  
21 broad scale hydraulic dredging you would get if someone  
22 was out searching for wild stock.

23 Because of the very modest scale of the  
24 property, limit on the size of leases, we projected that

1       there will not be any significant increase in the amount  
2       of dredging for shellfish under this program.

3               THE CHAIRMAN:    I can't resist a comment.    As  
4       you remember, I was very much opposed to hydraulic  
5       dredging, still am not particularly mollified by the  
6       approach taken, although I do understand the county  
7       doesn't, really not their prerogative to do that.    I  
8       guess I was still hoping that the county would say if  
9       you want to lease thou shall not do hydraulic dredging.  
10       That was my hope.

11              MR. GREENE:    We felt it was important to  
12       preserve operations that were already under way out  
13       there.    The program certainly does not want to hurt  
14       those who have been involved in aquaculture or invested  
15       a lot of time and effort in it.    If those operations  
16       permitted hydraulic dredging opportunities, we certainly  
17       wanted to accommodate those, and the program does  
18       accommodate that.    There are very strong safeguards  
19       beyond that if anyone applies for a lease and was to do  
20       the dredging.

21              MR. SCHNEIDERMAN:    I started very much where  
22       you are, thinking about the old days where people would  
23       go into any area and use it as harvesting technique.  
24       This is different.    We are only giving leases on

1 nonproductive lands. These are areas right now not able  
2 to sustain oysters or other mollusks.

3 In terms of hydraulic dredging, you're only  
4 dredging up what you planted. The issue really becomes  
5 if aquaculture is going to be viable economically, it's  
6 not just an economic program. The idea being if you  
7 have enough stock out there, you will see the shellfish  
8 come back and have the added filtering capacity of all  
9 that shellfish and that will help clear the waters,  
10 improve water quality. It's a trade off.

11 There are concerns about sediment disturbance  
12 and non-target organisms with hydraulic dredging. To  
13 which degree we can mitigate that is subject to the  
14 GEIS. To me, it's looking better than it had in the  
15 past.

16 MR. KAUFMAN: I agree with what Jay is  
17 saying. At the previous meeting, Larry and I were both  
18 very disturbed about hydraulic dredging. Both of us  
19 happen to have a fair amount of experience with ship  
20 dredging, ship channel dredging. I also came around, if  
21 you will, and in my mind it was almost a balancing.  
22 Yeah, there can be effects from dredging, but you have  
23 to balance that against the fact that it's probably  
24 going to be only a ever couple of years.

1           We are talking six hundred acres over a ten  
2 year period. Not all of that is going to be dredged out  
3 at one time. We don't know if dredging is going to be  
4 the preferred option of the lessor. It's going to be  
5 away from presently productive areas, it's almost an  
6 edge habitat in that sense. There are a fair amount of  
7 mitigation techniques that the county is going to be  
8 doing. I just don't see a toppling effect from it.  
9 There can be localized impacts from hydraulic dredging,  
10 but again, I just don't see it as being decisive in  
11 terms of hurting the entire ecosystem.

12           It's a balancing, it's only six hundred acres  
13 total of this program. To the extent that the county  
14 and DEC can control things, in my mind, it balances  
15 out.

16           MR. SCHNEIDERMAN: Don't know if it's a great  
17 comparison if you asked the potato farmer not to use a  
18 tractor and hand dig everything, he would say then I  
19 can't afford to stay in business. I have been fortunate  
20 and have been invited to visit some of these aquaculture  
21 businesses. You get a little bit of brown tide or red  
22 tide, you have lost your business for the year. It's a  
23 tough, tough business. We are trying to get young  
24 people to go into this business to help them come back,



1 to help improve the water quality. You don't want to  
2 make it impossible for them to make a buck here; it's  
3 tough enough. I think hydraulic dredging under these  
4 circumstances makes sense.

5 MR. GULBRANSEN: What ~~is~~<sup>is</sup> the role of the  
6 council this afternoon with regard to the material we  
7 have been given? We have been given material for  
8 review. I want to find out whether there is a  
9 opportunity to change and refine or whether you're  
10 seeking confirmation.

11 MR. KAUFMAN: We have gone past the point of  
12 trying to make major changes. We are at the GEIS stage  
13 of the generic. We're looking to see if the county has  
14 met its responsibility. It's not a policy decision at  
15 that point in time. I'm actually going to be talking  
16 about this. We are seeing if the county applied with  
17 adequate mitigation at this point in time.

18 We know from previous discussions there has  
19 been identification of the versus issues and a setting  
20 forth of a plan. Once we order up the GEIS and asked  
21 for the final finding statement to be made, we're at the  
22 point of compliance. Have the issues been properly  
23 finalized and sufficient analyzed so it makes meets the  
24 SEQRA requirements. We are not making policy judgment.

1           MR. GULBRANSEN:    I heard we could conceivably  
2   decide yes today, or we could find something that we  
3   feel has not been adequately defined.  If that occasion  
4   arises, are we to continue discussion as to what  
5   changes?

6           MR. KAUFMAN:    I think our charge under SEQRA  
7   is to see whether it has been adequately described and  
8   adequately dealt with under the regulations.  We may  
9   disagree with some things.

10          MR. BAGG:    Your charge is to review the FGEIS  
11   and make comments to the legislature.  There is no  
12   approval, disapproval of deeming satisfactory or  
13   anything else.  You're in the later stage of the SEQRA  
14   process.  At this point you can make additional comments  
15   to the legislature that you feel other issues may be  
16   covered in the DGEIS and expanded on and comments  
17   relative to findings of this particular program in terms  
18   of its impact on the environment.  Their recommendations  
19   to the legislature, the legislature makes the final  
20   SEQRA determination and that cannot be delegated.

21                You have no approval or disapproval.  That was  
22   done with the DGEIS, that was done with the legislature  
23   upon receipt of the FGEIS.  The CEQ shall prepare a  
24   Notice of Completion in accordance with the rules and

1 regulations, make available the Notice of Completion and  
2 copies of the FGEIS in accordance with the rules and  
3 regulations. The CEQ usual forwards the FGEIS and  
4 Notice of Completion, together with its comments and  
5 comments received from other parties on the FGEIS to the  
6 county executive and legislature within thirty days of  
7 receipt thereof and shall provide a copy of its comments  
8 and any others to the initiating unit. That is your  
9 charge.

10 MR. GULBRANSEN: To follow up on the question  
11 raised, our discussion with our recommendations today is  
12 to clearly understand what their final comment is and  
13 form a comment that we will send onward to the  
14 legislature.

15 MR. BAGG: Exactly.

16 MR. GREENE: Council Comment Number 3 was  
17 there would be a mechanism for leases to be revoked or  
18 fall back and the program does include specific  
19 provisions that a lease could be cancelled if certain  
20 conditions aren't met, such as if there are violations  
21 under the Environmental Conservation Law or some other  
22 unforeseen environmental impacts do turn up. I would  
23 also like to remind the council that we hope that this  
24 does not happen too often because we put a lot of effort

1       into identifying a cultivation zone that was less  
2       environmentally sensitive than other areas of the  
3       estuary.

4               Comment 4, there is a question as to whether  
5       it was a question of turf war of other areas of the  
6       estuary at this time. Based on interviews, there was  
7       nothing we would consider a turf war. There are  
8       arguments and complaints, but it seems like things are  
9       managed fairly well now. There is certainly nothing of  
10      a violent nature. The lease program has been designed  
11      to hopefully keep this as fair as possible. We already  
12      excluded the most sensitive areas of conflicts from the  
13      program. There will be buffer areas around lease sites  
14      and of course, there will be public and agency review  
15      before any lease is granted, so if there are any other  
16      issues, they could be vetted at that time.

17              MR. GULBRANSEN:     There were comments received  
18      from others about the attractiveness of the edge habits,  
19      the steep changes. When I saw the green areas  
20      presented, it didn't look like there was any preclusion  
21      or setting aside of those areas, so the edge habits as  
22      described by some of the commentators remained in play and  
23      you feel that in your previous turf wars comment, that  
24      kind of like calmed down now and it's okay as it his.

1           MR. GREENE:    Some edge habitats were left in  
2           the cultivation zone out of necessity because there a  
3           lot of edge habitats.  Again, if any group has a  
4           particular concern about a proposed lease site, they  
5           will have the opportunity to tell the county that  
6           concern.  If it's a legitimate concern, it can be  
7           addressed.

8           MR. GULBRANSEN:  In a related clarification,  
9           is it simple for you to explain a little bit more about  
10          the derivation of your buffer, the three hundred meters  
11          or so you that you appropriated as the immediate buffer  
12          around the square shapes.  One might consider  
13          rectangular shapes something that goes with the water  
14          flow.  Is it easier to describe how the buffer  
15          designation was reached?

16          MR. GREENE:  To start with a square  
17          designation is the best in the field.  It's the easiest  
18          to delineate.  It's four corners.  It's easy for someone  
19          from the outside to see if a person is working within  
20          his square.  Because of the corners, it's easy to  
21          survey.  The buffer was more or less an arbitrary  
22          decision.  We wanted enough separation.  It comes to  
23          several hundred feet.  We wanted to keep the square just  
24          for ease and identifying these different candidate

1 parcels. There is no magic formula. We just felt we  
2 wanted some type of operating system.

3 Of course there can be additional operation  
4 when specific sites are chosen. We won't don't want to  
5 select sites right next to each other. That will  
6 provide a greater distribution of sites throughout the  
7 bay.

8 MR. GULBRANSEN: When the evaluations are  
9 done, it's conceivable that that buffering could, in  
10 fact, be expanded if it's found necessary.

11 MR. GREENE: It could be expanded and there  
12 could be some cases where you have group leases.  
13 Comments 5 and 6 both pertain to navigational issues.  
14 Any proliferation of additional buoys and equipment in  
15 the bay could add to hazardous navigation to boaters.  
16 Mitigation is described in the FEIS and DEIS as well.  
17 Once again, the model scale of the project will help  
18 minimize those types of conflicts.

19 The type of equipment is on bottom or cages  
20 where it's well below the zone where it could be hit by  
21 boats. This is four hundred feet from the shoreline, so  
22 it's relatively deep water. This has to meet  
23 navigational standards strictly. We felt there is  
24 adequate mitigation. We deleted any navigational

1 channels as a buffer.

2 THE CHAIRMAN: Does the county assume any  
3 liability with regard to not having these areas properly  
4 on nautical charts or properly buoyed?

5 MR. DAVIES: That is a legal question.  
6 Suffice it it to say all the stipulations are subject to  
7 county Law Department review. There will be a  
8 consideration of what these particular insurance  
9 obligations will be on the part of the county and  
10 prospective lessee. You're suggesting how nautical  
11 charts may be modified to show potential lease area.

12 THE CHAIRMAN: Well, eventually show you're  
13 entering a leased area. If an applicant doesn't  
14 properly mark off his or her zone, and there is an  
15 accident, get a line caught in a rope or something, is  
16 the county held liable. I guess you don't know.

17 MR. DAVIES: That is going to be subject to a  
18 stipulation in any lease agreement, and those particular  
19 insurance requirements will be developed. I don't have  
20 the answer for you today. Suffice it to say, there is  
21 an intent to not encumber a lease applicant with  
22 extraordinary requirements with respect to cash outlay  
23 to participate in this program. These are essentially  
24 don't want to kill the program before we even start, so

1 the specifics of that still have to be worked out with  
2 the Department of Law.

3 Again, any of the markers that are required  
4 here, they have to be maintained, the markers on the  
5 corner of their leases. Any other devices that need to  
6 be required to park the equipment or whatever would have  
7 to be determined by the Coast Guard or engineers, etc.  
8 They have would have permits from these entities in  
9 order to participate actively.

10 MR. KAUFMAN: DEC and other participating  
11 authorities do not generally end up with a high degree  
12 of liability. There is always liability out there. If  
13 it's a standardized technique of marking and it follows  
14 the regulations of, for instance, Coast Guard, then it's  
15 generally presumptive, if you will, adequate for the  
16 purpose. If anybody was ever hurt by running into one  
17 of these things, generally the liability level would not  
18 be very high to the permitting agency or lessor.

19 MR. GREENE: I would like to point out, at  
20 least in the initial years of the program, most of the  
21 lease sites that will be in the program are already  
22 there now through the temporary assignment program and  
23 the grants that are out there. There is no documented  
24 history of any type of excessive navigational issues, at



1 least none were raised to us, although there were some  
2 comments regarding the number of traps in the bays now.

3 Comment Number 7 regarding will there be any  
4 type of paints or toxic materials used to control growth  
5 on equipment. Under this program, that will not be  
6 allowed. In fact, FDA has requirements that such  
7 materials could not been used to treat fouling. These  
8 are environmentally friendly. They don't involve the  
9 use of toxic materials. That again is described in the  
10 FGEIS.

11 Comment 8 regarding the format of the Draft  
12 GEIS, I think there is a suggestion that the draft may  
13 have been more user friendly. Mitigation immediately  
14 following the description of the impact which  
15 immediately followed the existing condition, although  
16 the draft could not been changed, that which it did  
17 include, in the Final GEIS, summary tables that do  
18 present the impacts and mitigation in that order, so it  
19 it is user friendly.

20 MR. KAUFMAN: That was my comment. I looked  
21 at the table that you prepared on Page 18 through 20.  
22 It answered everything in a nice way. It met my SEQRA  
23 issues.

24 MR. GREENE: Comment 9 was an issue regarding

1       whether waste would be generated by aquaculture. This  
2       is discussed in both the draft and final documents. In  
3       general, the scale of this program, which is very  
4       modest, which provides a buffer between lease sites and  
5       which will provide limits on the amount of shellfish  
6       grown, we believe will not been great enough to have any  
7       impacts. There is various other mitigation measures  
8       also discussed in the final that we believe explains  
9       this issue. Again, this will be ongoing. I'll talk  
10      about later ongoing monitoring that will help us  
11      determine if there are any such issues in the future.

12                Comment 10, this issue came up a number of  
13      times, basically saying could so many shellfish be put  
14      in the bay under an aquaculture system that would kind  
15      of exceed the carrying system of the bay. Again, I have  
16      to point back to the modest scale of the program, that  
17      the number of shellfish and lease sites would not been  
18      detectible in terms of general water quality throughout  
19      the bay. Also, there are various mitigation measures  
20      discussed in the GEIS. Again, there will be -- all the  
21      leasing will be subject to DEC review as far as what is  
22      grown and quantities and how.

23                I think it's also fair to point out there is a  
24      common belief and some scientific evident that suggests

1 filter feeding shellfish are good for the bay. They  
2 have benefits to the ecology of the bay system.

3 MR. GULBRANSEN: If I may. Is there going to  
4 be comment coming up with regard to the monitoring?

5 MR. KAUFMAN: One thing on the section that  
6 you just did, I think it's important to note that a lot  
7 of this is restoration of historical habitat that may  
8 have been fished out, or restoration of a keystone  
9 species that may have suffered drastic population  
10 decline over the years. In that sense I don't see, I  
11 don't see how restoration of a keystone species can  
12 cause a problem if you're restoring the habitat in that  
13 way.

14 MR. GREENE: The number of shellfish in the  
15 bay were historically much greater than they are now.  
16 Restoration is an important goal of these programs.

17 MR. GULBRANSEN: Where is the program seeking  
18 to fulfill a restoration? I don't get that in our  
19 review of it. I don't see us looking at a program.

20 MR. KAUFMAN: That is the one of the  
21 ancillary benefits. Historically if you go back, there  
22 were greater clam populations, oyster populations in the  
23 entire complex. Over the years, those areas have been  
24 fished out. That is why you have the non-productive

1 areas. To the extent that you are restoring what was  
2 once there, I don't think that is a bad thing.

3 MR. GULBRANSEN: These folks have no  
4 responsibility to account for restoration to achieve it.

5 MR. KAUFMAN: None whatsoever. It's an  
6 ancillary benefit. It's not a bad thing to try and  
7 restore that. They're not responsible over here for  
8 doing it, it's just an ancillary benefit.

9 MR. GREENE: The program does include  
10 provisions for leases for restoration purposes. We  
11 wanted to keep that flexibility in the program in case a  
12 municipality or non-profit group wants to do something  
13 related to shellfish restoration.

14 Comment 11 was council's comment, also a  
15 comment from a number of other groups regarding the  
16 introduction of exotic species or diseases through an  
17 aquaculture program. DEC has pretty rigorous  
18 restrictions on Importing shellfish. There are local  
19 hatcheries that can be used to provide local stock. Any  
20 hatchery stock needs to be certified as disease free.

21 DEC also has a protocols to prevent intrastate  
22 transfer of potentially deceased shellfish, such as is  
23 done in a transplant program. There very strong  
24 protections with regard to this issue. The DEC is

1 actually working on another policy to even strengthen  
2 their program. We feel this is another issue well  
3 explained in the final GEIS.

4 MR. GULBRANSEN: I'm not sure who this  
5 question is for. I recall in earlier discussions there  
6 is a little bit of courtship still under way between the  
7 county's mission and execution and DEC goals and how  
8 they're going to overlay and how it will get done  
9 right.

10 Are there any comments or recommendations this  
11 council should consider including in our instructions to  
12 the legislature with regard to how the county can get  
13 along better with DEC, or if that is a moving target.  
14 It's tough for us to tell. Is the county moving closer  
15 to them.

16 MR. ISLES: It's something we're trying to  
17 do. We appreciate the cooperation of DEC in developing  
18 the program guidelines that will tell how the program is  
19 going to be administered. Law requires that we have a  
20 two months for notification process on a specific  
21 leasing. We would want to have a meeting with the  
22 applicant and we want DEC to attend the meeting as  
23 well.

24 MR. GULBRANSEN: Is this your document?

1           MR. ISLES:    It's in there in terms of the  
2           draft management document, but it's a good comment.

3           MR. GREENE:   Comment 12, proponents of the  
4           program that will guarantee removal of the gear if the  
5           site is abandoned.  Yes, there is this component in the  
6           program.  We have made reference to those respective  
7           sections in the document.

8           Comment 13, whether or not there would be an  
9           educational program.  I do want to point out again,  
10          there is an educational experimental phase provided in  
11          the program where if an individual group or non-profit  
12          entity or anyone else wants to conduct aquaculture  
13          experiments, there is room for that in the program.  It  
14          could be reviewed on a case-by-case basis.  Also, we  
15          know the existing aquaculture industry works closely  
16          with Cornell Extension.  We know that those  
17          relationships will continue, and the East Coast  
18          Shellfish Association as well.

19          The last comment was regarding monitoring.  I  
20          think the comments expressed that a program such as this  
21          should be implemented in conjunction with some type of  
22          monitoring program.  And our program will include a  
23          strong recommendation that protocols for such a  
24          monitoring program been implemented.  One thing I would

1 like to say is under monitoring, I also include  
2 gathering information on what is happening with  
3 aquaculture and what the progress is, what is being  
4 raised, where the successes, what are the failures.

5 The county program has a mechanism where  
6 feedback from lease holders is required on an annual  
7 basis, so we will build that database up so the county  
8 will know what is happening on the bay.

9 As far as environmental monitoring, we feel  
10 that important protocols will be explored for some type  
11 of monitoring program and also there are efforts under  
12 way to see if existing monitoring programs can be  
13 modified, expanded or changed to incorporate monitoring.

14 Suffolk County has a fairly extensive water quality  
15 monitoring program as far as the Peconic Bay program.

16 MR. ISLES: If I could close the presentation  
17 today. We appreciate your time. There has been a lot  
18 presented. What I would like to underscore, in the past  
19 three years in the review and development of this  
20 program, the development of the environmental document  
21 with the help of ALPAC, the one hundred thousand acres,  
22 there has been a very thorough process to identify  
23 issues, environmental conflicts.

24 The end result is basically a two fold

1 program. How do we take the existing users and deal  
2 with them in an appropriate fair and responsible manner  
3 and how do we accommodate growth. The way we  
4 accommodate growth is not by saying we should add  
5 hundreds of thousands of acres. We said with the  
6 backing of the committee, one percent of the maximum of  
7 what is there now. Sixty acres a year for the next five  
8 years and then ten years for review.

9 We saw the boxes on the lease sites, but we  
10 are really talking about six to twelve leases a year.  
11 The lease sizes are five to ten acres. They're very  
12 limited in size; therefore, for sixty acres, if we did  
13 six ten acre leases or twelve five acres leases, we  
14 have kept the program by design, by scale, on a very  
15 limited nature.

16 We are taking a very soft footed approach in  
17 terms of how do we clean up and manage what is there  
18 already in a sensible manner, and how do we allow for  
19 growth. That growth is as incremental as we could  
20 possibly do, at the same time allowing for growth.  
21 There will be a few spots with activity in those  
22 hundreds of boxes.

23 We appreciate your time today. I believe  
24 there are some speakers from the committee who may be



1 here today and certainly we will answer any questions  
2 you have.

3 THE CHAIRMAN: Thank you very much. Thank  
4 your entire group. I think you conducted a very  
5 thoughtful and thorough process, even though some of us  
6 might not agree with everything. I will open it up  
7 to -- is there anybody here from the public that would  
8 like to speak. State your name and address for the  
9 record.

10 MR. BELYEA: Dave Belyea. I'm co-owner of  
11 Frank M. Flower & Sons Shellfish business in Oyster  
12 Bay. My link to this whole thing is the fact that I  
13 provide shellfish feed for many of the growers out in  
14 the Peconic, mainly oyster and clam seed. I made my  
15 expertise available to ALPAC's committee and I can't say  
16 enough about the diligence they have used in these  
17 procedures. And Mr. Isles and Mr. Davies and Mr. Greene  
18 have done a very good job with that.

19 I have had Mr. Greene and Mr. Keith Brewer at  
20 my operation in Oyster Bay. They have looked at my  
21 hatchery techniques. We have a five thousand square  
22 foot hatchery. We have five large boats, ranging from  
23 fifty to ninety feet, that participate in our  
24 aquaculture operation in Oyster Bay. We're the last of

1 the large shellfish companies, dating back to the 1800's  
2 that are left in New York State.

3 The only reason we're still around is because  
4 we used the modern techniques of aquaculture to sustain  
5 our industry. We started back in the 1960's. Mr. H.  
6 Butler Flower built the hatchery back then. We  
7 experimented with it about ten years. After about ten  
8 years we started to make a profit. We have been able to  
9 sustain up to fifty million oysters and fifty million  
10 clams planted in Oyster Bay each year, which had  
11 environmental benefit and benefits to the baymen as  
12 well.

13 They're out there spawning each year. Some  
14 years are better than others, depending on environment  
15 and weather conditions. We get a number of clam sets  
16 that are able to be traced back from the clams planted  
17 by our hatchery because we used a variety called  
18 nautotic clams, which is a natural variety in Oyster  
19 Bay. We used that variety as planting stock since  
20 1980.

21 There was a clam survey done by <sup>Cashin</sup>~~Cashin~~ &  
22 Associates about a year ago for the Town of Oyster Bay.  
23 We found on some of the public lands which that the  
24 populations of nautotic clams have reached forty or

1        fifty percent. That means what we planted out in the  
2        bay is spawning and repopulated public areas. Your  
3        baymen realize this and we get good support from the  
4        Baymens Association.

5                As far as the scope of the program, I've got  
6        to say that it's very small. Everything can go wrong  
7        in the area that has been proposed, and you still  
8        probably wouldn't be able to know it environmentally.  
9        It's a little discouraging to see that it's going to be  
10       so small for the industry, but if that is the way it's  
11       got to start, I would say they're very much on the side  
12       of safety and environmental awareness.

13               I have had Cashmin Associates to my operation.  
14       I'm willing to have any of you people or anybody from  
15       the Suffolk legislature come and view my operation.  
16       Right now we're participating in a study done by the  
17       East Coast Shellfish Growers Association.

18               THE CHAIRMAN:    Can you summarize?

19               MR. BELYEA:    We are going to participate in  
20       that and the results of that will be available to you  
21       and everybody else. Any help I can be in that process,  
22       would be glad to do it.

23               MR. KAUFMAN:    The DGEIS process, several  
24       communications were identified as coming from your

1 company. I did not see full backup on it. I know what  
2 happened on the South Shore in the Blue Point area, if  
3 you will, where extensive dredging and removal of wild  
4 stock occurred and there was basically a population  
5 crash. Are you saying in Oyster Bay, under your  
6 cultivation techniques, that in areas that you maybe  
7 have cleared, the clams from say ten years ago, that  
8 those clams and other organisms are repopulating?

9 MR. BELYEA: Yes, Oyster Bay, where we are  
10 doing our aquaculture operations, includes about half of  
11 the culturable area in Oyster Bay as the most productive  
12 bay on Long Island. I feel that it's a result of what  
13 we do. We will seed areas, known areas in square lots  
14 anywhere from ten to twenty acres. Once the areas are  
15 seeded, they won't be touched for a minimum of three  
16 years. Then when the clams reach market size, it will  
17 take us six months to a year to clear the clams from  
18 that area. Immediately we will reseed that area again  
19 and then not touch it again.

20 MR. KAUFMAN: Reseeding is viable.

21 MR. BELYEA: We grow fifty million oysters  
22 and fifty million clams. We planted on the bay bottom  
23 every year. We make seed available to other  
24 aquaculturists on Long Island, which is only a small

1 percent of what we use in our operation. We feel that  
2 that is something, it's like a side business for us, but  
3 it also provides excellent --

4 MR. KAUFMAN: That's going a little far  
5 afield from my original question. I think you answered  
6 it. Thank you.

7 THE CHAIRMAN: Thank you very much. Next.

8 MR. RIVERA: Gregg Rivera; two G's at the end  
9 of Gregg. Aquaculture specialist for Cornell  
10 Cooperative Extension, also member of ALPAC. I want to  
11 say I worked with the majority of the shellfish growers  
12 in the Peconic and Gardiners for the last twenty-two  
13 years, helping people get permits, helping them solve  
14 problems.

15 I would like to make you aware that this  
16 program is necessary to legitimize this fledging  
17 industry. There are people working out there on a year  
18 to year business. If you go to a bank and try to get a  
19 loan for something that may take three years to grow  
20 out, you have a one year temporary assignment, you're  
21 not going to get very far with a banker. This will help  
22 legitimize these very small businesses.

23 I want to voice my support for everything that  
24 the Planning Department has done and Cashmin

1 Associates. I wish the other users of the estuary had  
2 to go through the same process, everyone from property  
3 owners to boat owners and everyone in between. Thank  
4 you.

5 THE CHAIRMAN: Next.

6 MS. RIVERA: Karen Rivera. I am the past  
7 president of the East End Farmers Association. I've  
8 been growing shellfish for twenty-five years on Long  
9 Island. Also a member of ALPAC. Basically the industry  
10 has waited -- in New York has waited a long time for  
11 this opportunity. The county had originally given the  
12 right to lease underwater land in 1969. Nothing  
13 happened. We had sort of a stop gap measure of the  
14 temporary marine use assignments. DEC has given grant  
15 owners permission to cultivate species other than clams  
16 for twenty, twenty-five years now.

17 The environmental benefits of shellfish  
18 aquaculture are well documented. More studies are being  
19 conducted. I would like to note that in New York State,  
20 we are not permitted to use the upper estuary for clam  
21 cultivation, so we can't do what they do in  
22 Massachusetts or Virginia. We have to use, because it's  
23 the only opportunity for us, the deeper water, and there  
24 is just no other way to harvest these animals or grow

1       these animals than planting them on the bottom and  
2       mechanically reharvesting them. We tried other methods;  
3       they don't work.

4               The environmental effect; there are no  
5       significant negative impacts that have been documented  
6       with this type of activity. Further study is being  
7       done. The industry is also working on best management  
8       practices with the World Wildlife Fund and also a  
9       grazing study is being done in the Peconic to look at  
10      the effects of grazing of the animals. That is still  
11      being done. Again, we're talking about additional  
12      acreage that is very, very minimal. It's much less than  
13      the opportunity being tried by our neighboring states  
14      we. Waited a long time for it.

15              I think that County Planning Department and  
16      Cashmin have done a thorough job with the environmental  
17      review and I ask that you issue the Notice of Completion  
18      for the FGEIS. A lot of work has been done.

19              The one question that was raised here that I  
20      would like to clarify. One of the council members asked  
21      about the Asian oyster being grown. One, we're not  
22      permitted to do that by the DEC. We can only grow our  
23      native oyster and the oyster seed, if we were to buy  
24      them, has to come from north of New York State. I can

1 also tell you there is no desire by our industry to grow  
2 the Asian oyster. Our oyster grow fine. They survive  
3 well and taste better and we're proud of them. You can  
4 cross the Asian oyster off your list of concerns.

5 The other comment that came up was  
6 restoration. I just want to clarify that the  
7 restoration advantage of having commercial aquaculture  
8 in the Peconic is we're planting millions of oyster and  
9 clam seed and some bay scallops every year, more than  
10 the town and public and non-profit programs. These  
11 animals are growing to productive size and spawning.  
12 The benefit is imparted to the bay. We're starting to  
13 see populations of oyster starting to spring up around  
14 Oyster Bay.

15 MR. GULBRANSEN: The FGEIS notes a few  
16 different kinds of potential impacts. Amongst many  
17 mitigations was a discussion about incremental. It's  
18 much less than would be significant or the diminimus  
19 argument. I can imagine DEC would not be able to issue  
20 a permit to somebody who did one thing in such a small  
21 place and they wouldn't be able to impose on that one  
22 small person to do monitoring because it's a small area.  
23 I hope that the county's monitoring plan will be  
24 extensive enough to both look for the cumulative



1 impacts, but towards Ms. Rivera's comment, I think it's  
2 not adequate to say just environmental monitoring  
3 protocol is being looked at. That is a technical  
4 question. Certainly there are a lot of technical ways  
5 to monitor.

6 The most important question is the mission. I  
7 perhaps would request that our recommendation to the  
8 legislature instruct the management of the monitoring  
9 program to also seek for the benefits of this thing.  
10 Looking for negative impacts out in the bay is not the  
11 same thing as looking for beneficial impacts, and both  
12 should be examined.

13 But I believe it's true, the restoration will  
14 be there and there will be lots of other benefits that  
15 would be documented and should be. There could be  
16 places where a negative thing occurs and we have to be  
17 able to show the results in both lights to show that the  
18 program would be wise going forward.

19 MR. KAUFMAN: I read the FGEIS and finding  
20 statements, et cetera. The county has gone through a  
21 very in-depth analysis of the various concerns that we  
22 raised previously, everything from essential fish  
23 habitats to the discussion of the hydraulic dredging and  
24 things like that.

1           My opinion right now, and it could change in  
2           the next thirty seconds based upon anything that council  
3           brings up, but I think this is a pretty complete  
4           document. Talking about it only from the SEQRA sense, I  
5           think it's adequate under SEQRA. I think all the issues  
6           we raised earlier have been discussed. The presentation  
7           was very good. The finding statement was very good. I  
8           think the analysis supports the program's objectives. I  
9           think a hard look has been taken. I think maybe the  
10          document has to be tweaked and I think this is pretty  
11          much good to go the way it's been set up.

12                 I throw that out to the council to see what  
13           everybody thinks. Everybody can object to one thing or  
14           the other.

15                 THE CHAIRMAN: Do you want to make that a  
16           motion? Make it a motion, someone will second it and we  
17           will discuss it.

18                 MR. KAUFMAN: I make a motion that we turn it  
19           this over to the Suffolk County Legislature declaring  
20           that the FGEIS is complete, that the process has been  
21           properly followed, adequate under SEQRA, and anything  
22           else we need to add to that, Jim?

23                 MR. BAGG: We have to make a recommendation  
24           as to whether you think the finding statement should be

1 adopted by the legislature.

2 MR. KAUFMAN: I'll make that part of my  
3 motion.

4 THE CHAIRMAN: I have a few additional  
5 comments.

6 MR. BAGG: I'll second the motion.

7 THE CHAIRMAN: Any other comment? Do we want  
8 to add to that, Tom? It will once the monitoring -- not  
9 only to look for negative impacts, also look for  
10 beneficial impacts. This group must be worn out. We  
11 have a motion on the floor that has been seconded. All  
12 in favor? (Show of hands) Opposed? Motion carries.

13 MR. GULBRANSEN: Congratulations.

14 MS. SQUIRES: I want to remind everyone that  
15 the 2008 conference on the environment will be October  
16 17th through the 19th. It's co-sponsored by the New  
17 York State Association of Conservation Commissions,  
18 which I am president of, and Environmental Management  
19 Council, which CEQ is part of. It's being held in  
20 Canton, at St. Lawrence University. St. Lawrence  
21 University has a platinum certified student program that  
22 I think is pretty exciting. If you would like to go,  
23 it's lovely there. You can go to the NYSACC Website,  
24 which is NYSACCN.Y. org.

1           The other thing I just wanted to say briefly,  
2 just for the public record, but it does involve the  
3 county, in the sense that we share money as the Town of  
4 Huntington has proposed, is proposing a new bond  
5 referendum which is an extension of 1998 bond referendum  
6 which expires this year. There will be no increase in  
7 taxes. It will just stay on the tax roles, as it was.  
8 And we broke it down by five million for open space,  
9 five million for park improvements, four million for  
10 neighborhood enhancements and a new category of green  
11 infrastructure on town buildings. We understand it's  
12 difficult economic times. We would have loved more  
13 money, but we chose to extend and that is what we are  
14 using for our public relations. This will not be  
15 increased money for taxpayers. If you look on the  
16 town's Website, and you go to under the Planning  
17 section, the online library, you can find our ten year  
18 report. It's quite extensive. It was written by Margot  
19 Myles. I think it's magnificent, but it details  
20 everything that the Town of Huntington has done in  
21 addition to the county involvement.

22           We could have not very done the things we do  
23 in Huntington without Suffolk County's support. So just  
24 wanted to let you know that in terms of information.

1 Thank you.

2 THE CHAIRMAN: Have a notion to adjourn?

3 MR. KAUFMAN: Motion.

4 MR. MACHTAY: Second.

5 (TIME NOTED: 1:35 P.M.)

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CERTIFICATION

STATE OF NEW YORK)  
 )  
COUNTY OF SUFFOLK)

ss:

I, JUDI GALLOP, a Stenotype Reporter and Notary Public for the State of New York, do hereby certify:

THAT this is a true and accurate transcription of the Suffolk County Council on Environmental Quality meeting held on September 17, 2008.

I further certify that I am not related, either by blood or marriage, to any of the parties in this action; and

I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of November, 2008.

*Judi Gallop*

\_\_\_\_\_  
JUDI GALLOP

<b>0</b>	<b>4</b> [4] 41:13 42:13 72:18 108:4	<b>acres</b> [42] 39:10,11,13,19 40:11,12,13,14,16,19,21 41:3 44:4,4 46:4 56:3 86:3 87:22 88:18,24 90:11,20 92:15,16 95:9,12,17 96:22 97:10,21,24 98:2,9 104:1,12 119:21 120:5,7,11,12,13 124:14	<b>affects</b> [1] 71:15
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