

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson
CHAIRPERSON

James Bagg
CHIEF ENVIRONMENTAL ANALYST

NOTICE OF PUBLIC MEETING

Notice is hereby given that the Council of Environmental Quality will convene a regular public meeting at 9:30 a.m. on Wednesday, April 21st, 2010 in the Arthur Kunz Library, H. Lee Dennison Building, Fourth Floor, Veterans Memorial Highway, Hauppauge, NY 11788. Pursuant to the Citizens Public Participation Act, all citizens are invited to submit testimony, either orally or in writing at the meeting. Written comments can also be submitted prior to the meeting to the attention of:

**James Bagg, Chief Environmental Analyst
Council on Environmental Quality
Suffolk County Planning Department
P.O. Box 6100
Hauppauge, NY 11788**

**Council of Environmental Quality
R. Lawrence Swanson, Chairperson**

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AGENDA

MEETING NOTIFICATION

Wednesday, April 21st, 9:30 a.m.

Arthur Kunz Library

H. Lee Dennison Bldg. - 4th Floor

Veterans Memorial Highway, Hauppauge

Call to Order:

Minutes - check the web at

<http://www.co.suffolk.ny.us/departments/planning/minutes.aspx#ceq>

March Minutes available online for review

Correspondence:

Public Portion:

Historic Trust Docket:

Director's Report: Updates on Housing Program for Historic Trust Sites
Updates on Historic Trust Custodial Agreements

Project Review:

Recommended TYPE II Actions:

- A. Ratification of Recommendations for Legislative Resolutions Laid on the Table March 23rd, 2010.
- B. Proposed Expansion of the Pavilion at Cupsogue County Park, Town of Brookhaven.

Project Review:

Recommended Unlisted Actions:

- A. Proposed Acquisition for Open Space Preservation Purposes Known as the Mud Creek County Park Addition – St. Martin Estate Property, in the Town of Brookhaven.
- B. Proposed Safety Improvements to CR 21, Main Street, Yaphank, in the Town of Brookhaven. Capital Project Number 5138.

Suffolk County Parks:

Updates on County Parks

Other Business:

Suffolk County's Stormwater Annual Report 2010

CAC Concerns:

*****CAC MEMBERS:** The above information has been forwarded to your local Legislators, Supervisors and DEC personnel. Please check with them prior to the meeting to see if they have any comments or concerns regarding these projects that they would like brought to the CEQ's attention.

*****MEMBERS – PLEASE NOTIFY THIS OFFICE AS SOON AS POSSIBLE IF YOU WILL BE UNABLE TO ATTEND.**

*****ALSO FOLLOWING THE MEETING PLEASE LEAVE BEHIND ALL MATERIALS OF PROJECTS THAT YOU DO NOT WANT OR NEED AS WE CAN RECYCLE THESE MATERIALS LATER ON.**

S.C. PLANNING DEPT.

ORIGINAL

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SUFFOLK COUNTY DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

100 Veterans Memorial Highway
Hauppauge, New York 11788

April 21, 2010
9:30 a.m.

MEMBERS PRESENT:

- R. LAWRENCE SWANSON, Chairman
- HON VIVIAN VILORIA-FISHER
- MICHAEL KAUFMAN, Vice Chairman
- EVA GROWNEY
- RICHARD MACHTAY
- THOMAS GULBRANSEN
- GLORIA G. RUSSO
- MARY ANN SPENCER
- DANIEL PICHNEY
- THOMAS A. ISLES, S.C. Director of Planning**
- STEVE BROWN, CAC Representative
- RICHARD MARTIN, S.C. Director of Historic Services**

- THOMAS YOUNG, ESQ., Ass't County Attorney

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2 THE CHAIRMAN: I'd like to call the meeting
3 to order. Anybody check the minutes for the last
4 meeting?

5 MR. MACHTAY: I was not here for the March
6 meeting. I left almost as soon as it started.

7 THE CHAIRMAN: Anybody else?

8 MS. GROWNEY: I didn't.

9 THE CHAIRMAN: We will put that off until the
10 May meeting, but please check the minutes. Jim, is
11 there any correspondence that you would like to call our
12 attention to?

13 MR. BAGG: Yes. In your packets there is a
14 letter from former Commissioner Pavacic on the
15 Manorville Protestant Bible Church. I think that
16 will -- that was never transferred to Parks. There is
17 an article on the Long Island swans about urgent
18 environment review about impact on the Carmens River.
19 Should be included in the EGIS and I see there is a
20 letter from the Brookhaven CAC concerning Legacy Village
21 property and requesting that it be left in its natural
22 state.

23 THE CHAIRMAN: With that, mentioning that,
24 Steve Brown wrote a letter. I would like to mention
25 Steve is back; it's been awhile.

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2 Michael, briefly, can you summarize what came
3 out of the lawsuit concerning vector control.

4 MR. KAUFMAN: Okay.

5 THE CHAIRMAN: Briefly. I will know it's
6 difficult.

7 MR. KAUFMAN: The county was involved in a
8 lawsuit by the Peconic bay keeper was originally accused
9 of violating the Clean Water Act in two ways; digging
10 ditches without authorization, and also essentially
11 spraying that may not have met some of the regulatory
12 framework. The county was able to prove that the
13 ditching that had occurred was on previously ditched
14 wetland and there was no violation that way. That
15 aspect of the ruling was upheld at the 2nd Circuit.

16 The Court also, interestingly, said that
17 whereas the county's spraying activities previously done
18 were found to essentially be legal and authorized as a
19 regulatory framework at that time existed; however, they
20 said that beginning in 2011, the county would be subject
21 to EPA regulations that would be coming out in the next
22 year, which basically say that helicopter spraying and
23 truck spraying and certain other activities would be
24 looked at as point source pollution, but would be
25 authorized, nonetheless, under the Clean Water Act as

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2 long as the regulations were upheld and as long as the
3 products that they were using were sprayed according to
4 the labels.

5 So the county won again I'm sort of
6 summarizing the county won a fair amount of what had
7 been previously alleged that it was doing wrong it was
8 found to be okay for what it had been doing previously
9 but there are new regulations coming up that the county
10 will have to adhere to. That is not a problem as long
11 as the county follows the regulations. The regulations
12 are being developed at this time. They do not exist. I
13 think the EPA is coming out with them in 2011,
14 something like that.

15 MS. VILORIA-FISHER: Can I ask a question,
16 Mr. Chair? When we were discussing the plan and there
17 were some voices who were sitting as members of CEQ at
18 that time looking for restrictions regarding spraying in
19 wetland areas, that is the area where we're going to see
20 the new regulations, isn't it?

21 MR. KAUFMAN: Yes. Essentially if I
22 understand the decision correctly. I read it several
23 time and discussed it with some of the attorneys
24 involved. The county seems to have been according to
25 the law following the law as it existed and apparently

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2 has not been in violation by spraying however there are
3 new regulations coming out. Which will probably tighten
4 some of the activity and put more paperwork restrictions
5 and operational restrictions but at this point in time
6 given the information that is out there those
7 regulations should not impact the county severely.

8

MS. VILORIA-FISHER: The EPA, not DEC.

9

MR. KAUFMAN: EPA is doing that now, yes,
10 independently. DEC is working with EPA and also with
11 the county to have its regulations in place, which would
12 be supplements to EPA. So you will basically have EPA
13 with an overarching, then DEC with the operational
14 aspects because they're the permitting body at state
15 level. Again, a lot of jurisdictional issues. And the
16 county is working with, from what I understand, DEC in
17 dealing with setting that stuff up, so it should not be
18 a massive problem. Everyone will be following the
19 regulations in a real world way.

20

MS. VILORIA-FISHER: Thank you.

21

THE CHAIRMAN: One other thing. Can you
22 also, since you have gone to some of the meetings, bring
23 us up to date on what the status of vector control plan
24 is upcoming? This is the end of our three year cycle
25 and we should be getting a new plan. Where do we

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2 stand?

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MR. KAUFMAN: There are three aspects to it. Triennial plan. Triennial report will probably be delayed a little bit. It is -- part of it are in preparation right now. Second off, I sit on the pesticide review committee. We have been reviewing further literature since 2006 as to the impacts of Methoprene and some of other chemicals used out there, BTI, et cetera. What it boils down to since 2006 there has been no research showing that Methoprene is a global killer in any way, shape or form. There are indications that it has to be carefully used, carefully controlled.

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The county is responding to those restrictions, but there is nothing out there saying there is a smoking gun, that Methoprene will kill everything out there. Pesticide committee, which is composed of a lot of non-profits, a lot of state agencies, a lot of county agencies, has decided to move on from there. We recorded the decisions that have been made and those eventually will be reported to the CEQ. We did receive, a couple of months ago, some quick updates from that.

24

Finally, many on the wetland stewardship, there is a plan right now, there is research -- let me

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2 rephrase that. There is research ongoing now on a
3 wetland strategy and how to assess the health of
4 wetlands. That is still in production. It was supposed
5 to have been completed around this time. That deadline
6 is probably going to slip by a half a year, maybe a year
7 or so because there were never any contracts signed with
8 the original contractor, Nature Conservancy, and instead
9 the county, when it was unable to come to an agreement
10 with the NC, went with a consultant, Lockwood, Kessler &
11 Bartlett, LKB. They are working with that plan right
12 now.

13 The work groups met in March and will be
14 meeting again in May. Nothing definitive has come out
15 there in terms of full planning. It's still in the
16 research stage. That is where we are right now.

17 THE CHAIRMAN: Any questions of Michael?

18 (No response) All right. Historic Trust report,
19 Richard

20 MR. MARTIN: I'll give a quick update on the
21 housing and contracts and some explanation to the letter
22 Commissioner Pavacic wrote on the church property in
23 Manorville. Right now in the housing program we have
24 five acres. One we are hoping to fill next month at
25 Inland County Park near Greenport. The other four we're

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2 hoping to advertise next month in a county-wide flier
3 that will be sent out in everyone's paychecks so people
4 will know they're available, and set up a day for site
5 visits where the houses are open one day and everyone is
6 invited to take a look at the houses and put their
7 requests in.

8 We're hoping by mid summer that we can try and
9 get all the remaining units rented. One of the issues
10 we had actually with West Hills House, what we call the
11 Stimpson House, which is one of our expensive homes, is
12 the fact that we didn't have enough directional signs,
13 so we need to also put up signage -- people don't know
14 those parks -- so they can get to the houses and get a
15 good visitation. That was actually one of the issues
16 that we felt didn't allow them to be rented last time.

17 We are doing very well and we have a list of
18 people and people are still calling from the last flier
19 that was sent out. We were hoping by mid summer to have
20 all these rented.

21 With the contracts, we're still working on the
22 negotiations with contracts on both the Great South Bay
23 Audubon Society and Brookside County Park in Sayville
24 and Audubon Society park in Greenport. These two
25 contracts were completed by the Parks Department, but we

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2 are trying to work with the lawyers from these groups.
3 They have a lot of questions on these contracts. Every
4 time they go back, the contracts get updated by the
5 County Attorney's Office, which explains all the
6 requirements that are put into the contracts. We are
7 hoping to sign those soon and the Parks Department is
8 drawing up the contracts for Splashes of Hope, the arts
9 group we have over in Coindre Hall, and the Long Island
10 Lighthouse Society, which is contract to restore the
11 Cedar Point lighthouse in Southampton.

12 Relating to the letter Commissioner Pavacic
13 sent, this was a piece of property about one acre that
14 the county took title to due to back taxes. The way it
15 was explained to us, there are forms that need to be
16 submitted to the state -- Loretta might have more
17 insight on it -- to maintain your church status. They
18 stopped doing it and the property did go on the tax
19 roles in 2006. The county took it over for back taxes.
20 As far as I know, Real Estate did try to contact people
21 that they had, but they did not follow up and did not
22 try to pay off the back taxes.

23 It has been in the county hands since 2006.
24 The local historic society started asking what the
25 future of the property was. Loretta gave

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2 Nick Gibbons and myself a tour of the property. I do
3 think it's worthy to go into our historic program. We
4 will have to have a committee meet on site to determine
5 that. I think the quality of the building, it would
6 qualify. It actually dates to 1840. It was built in
7 Center Moriches on Montauk Highway, east of the Ketcham
8 Inn, and it was moved to this location in 1869 by a man
9 that was trying to promote the area and thought it
10 should have a church. It was donated. It was a
11 Methodist church. Took it apart and moved it north and
12 established in Manorville. There is also a cemetery as
13 part of this property that has been used through the
14 mid-20th century, and that we will be discussing with
15 the town and state, actually the guidelines, if it can
16 be used any further. This is the first time we acquired
17 a cemetery property that has been used through the 20th
18 century.

19 The architecture is a Greek revival style
20 church, one room, has not been updated much except for
21 adding electricity. It's in pretty much original
22 condition.

23 THE CHAIRMAN: Is that good condition?

24 MR. MARTIN: Yes. Original, but there is a
25 newer roof put on it, so the building is secure from the

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2 weather in that sense. Initially, we don't have to do
3 anything right away. We would want to just paint the
4 building and eventually replace the roof, probably with
5 a wood roof consistent with the 19th century design.

6 THE CHAIRMAN: What would you do with this?

7 MR. MARTIN: In proposals and discussions
8 within the department, this is diagonally opposite the
9 Pine Barrens Trail Center in Manorville, which is your
10 introduction to the Pine Barrens run by the Parks
11 Department. This could be used as a meeting hall
12 relating to activity there. Also the historic society
13 has expressed interest. We haven't sat down with them
14 yet, but the possibility that we could go into contract
15 with the Manorville Historic Society. They do have a
16 site at the schoolhouse in the area that they would, I'm
17 sure, keep, but this could also be another program site
18 for them, I think.

19 THE CHAIRMAN: Very good. Anything else?

20 MR. MARTIN: Just to announce, Nick probably
21 mentioned it also. The opening of the Suffolk County
22 Environmental Center at Scully Estate is tomorrow.
23 Ribbon cutting is scheduled for about ten o'clock. If
24 anyone is able to attend that, we are looking to have a
25 good turnout. There will be a lunch served at twelve

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2 o'clock on site.

3 THE CHAIRMAN: What is the status of us
4 meeting at Mills House?

5 MR. MARTIN: That was proposed for May. It's
6 fine if you would like to go ahead with that date; it's
7 not a problem.

8 MR. KAUFMAN: Rich, some of us might need
9 directions to get to Scully. If you could write them
10 out.

11 MR. MARTIN: It's very simple. I can also
12 give you more information after the meeting. It's 550
13 South Bay Avenue. It's the street directly opposite
14 Islip Town Hall. You go to Islip Town Hall on Montauk
15 Highway, go down South Bay Avenue. It's towards the
16 water on your west side, or on your right-hand side.
17 There is a new sign out front identifying it as the
18 Suffolk County Environmental Center.

19 THE CHAIRMAN: Going back to the May meeting,
20 when we originally talked about this, you were going to
21 give a tour of the house for the first half hour. It
22 was, as I remember, we invited some non-CEQ members to
23 also participate. I know the Head of the Harbor
24 historian probably would probably like to visit and
25 probably some other --

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2 MR. MARTIN: I don't know who that is. Can I
3 find out through the office, their town hall?

4 THE CHAIRMAN: Yes. Probably our
5 environmental board. If that is okay?

6 MR. MARTIN: It's definitely okay.

7 MR. KAUFMAN: Rich, we have something on the
8 SEQRA class classifications 1344, authorizing a
9 licensing agreement with the Town of Huntington for
10 Coindre Hall. Is that something apart from the boat
11 houses?

12 MR. MARTIN: Yes. Part of the agreement that
13 we negotiated with the Town of Huntington is also what
14 we are calling right now the large meeting space or
15 meeting room in the main building up on top of the hill
16 there. They can have meetings, classroom instruction
17 there. So that is what is in the contract as an
18 additional space. That is in lieu of the possibility in
19 the future they could use -- there is a large, what I
20 will call the great room in the boat house. That will
21 not be be restored under Phase 1. In additional phases
22 we're hoping to restore that and then they can use that
23 space, but they wanted some classroom space to be
24 offered back to them.

25 MS. VILORIA-FISHER: Last month we talked

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2 about Deepwells and returning to agricultural use. I
3 mentioned to you that I have the community gardens task
4 force, and we are trying to get community gardens there
5 is a boy scout group right across the street. They're
6 interested in working on that. And there are a lot of
7 resources for developing community gardens. With whom
8 do I work on that?

9 MR. MARTIN: I would have them call me
10 directly to start the conversation.

11 MS. VILORIA-FISHER: I'm trying to get the
12 groups together. There is something called the Green
13 Thumb Challenge, which helps schools work on community
14 gardens, and there is the People's Garden from the
15 USDA. I'm meeting with someone from the USDA because
16 there are grant opportunities. I'll get that together
17 first and then you will sit with us.

18 MR. MARTIN: We can have a meeting on site
19 and go through the ideas.

20 MS. VILORIA-FISHER: It would be good to get
21 it started during Earth Week, Earth Month. Thank you,
22 Richard.

23 THE CHAIRMAN: With regard to Deepwells, you
24 really scalped those trees.

25 MR. MARTIN: The ones on Highland?

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2 Unfortunately, that is a Parks Department trimming of
3 the trees at the request of the community along Highland
4 Avenue, but I agree they trimmed more than they should
5 have. I apologize for the department for that. Try to
6 provide better supervision next time.

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THE CHAIRMAN: Is there a chance they will
survive?

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MR. MARTIN: We can take a look. I don't
know if Nick has any comment on that. They were
supposed to trim the dead trees -- trim the dead limbs
off the trees, and I agree they took off more than they
should have.

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THE CHAIRMAN: The entire tops are gone.

MR. KAUFMAN: They went in fifteen, twenty
feet further than anyone expected. Given the impact of
what happened on Highland, if you guys are going to be
asking to be approved doing clearing and buffers and
things like that on the rest of the property, there may
not necessarily be a high trust factor at this point in
time. You really need to do some supervision over
there.

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It's almost to the point where you have to
stake out whatever you're going to be doing over there
if you go over the boundaries.

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2 MR. MARTIN: Yes, I agree and with trees
3 marked, the trees to be trimmed.

4 MR. KAUFMAN: You almost need to have
5 somebody over there. It's a sensitive parcel in a
6 sensitive area. It would behoove you very much to have
7 adult supervision over there.

8 MR. MARTIN: I agree. I have no problem with
9 that request.

10 THE CHAIRMAN: You might want to take a look,
11 if we go over in May.

12 MR. PICHNEY: I won't be able to make the May
13 meeting, but I'll look beforehand.

14 THE CHAIRMAN: It's on Highland Avenue on the
15 eastern edge of the Deepwells property.

16 MR. PICHNEY: Does the county have an
17 arborist?

18 MR. MARTIN: We have a tree trimmer.

19 MR. PICHNEY: It's not the same thing.

20 MR. MARTIN: Right. I really don't know why
21 that happened to the extent that it was initiated from
22 community request. But I agree they took more down than
23 they should have. It really needs just the basics of
24 supervision from the main office.

25 THE CHAIRMAN: Recommended Type II actions.

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2 Jim, would you call to our attention anything in
3 particular with regard to legislative resolutions.

4 MR. BAGG: I think the packet is fairly
5 straightforward. The vast majority are Type II actions.
6 Everything else has been reviewed by CEQ, and SEQRA is
7 complete.

8 MR. GULBRANSEN: 1339 and 1369 relate to
9 sewer district improvements plus other measures such as
10 funding appropriations. Have we seen those? Do we need
11 to see those?

12 MR. BAGG: They have been previously
13 submitted.

14 THE CHAIRMAN: Can I have a motion?

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

17 MS. RUSSO: Second.

18 THE CHAIRMAN: Any further discussion? All
19 in favor? Opposed? Motion carries. All right,
20 proposed expansion of the pavilion at Cupsogue County
21 Park. Welcome.

22 MS. GIBBONS: Nick Gibbons from the Parks
23 Department. The project I have before you today is an
24 expansion of an existing pavilion at Cupsogue County
25 Beach Park, which is on the western end of Dune Road,

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2 actually within the town of Brookhaven, situated on the
3 east side of Moriches Inlet about a mile and a quarter
4 of ocean front park.

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Probably most of you are familiar with it.
6 The pavilion dates back to the early '80's and over
7 time, the park has undergone significant growth in
8 popularity. It's somewhat transformed from very much a
9 local neighborhood beach to really a regional park as
10 far as usage goes. Our parking lot there is about six
11 or seven hundred stalls. It's routinely filled on
12 Saturdays and Sundays through most of the beach season.
13 Thankfully, because of the way the property is situated,
14 the parking can never be expanded, which will help
15 preserve the character. It can be full, so you get
16 there and you have to turn around for the day, which is
17 unfortunate, but it helps preserve the character and
18 smaller field feel of the park as opposed to some of the
19 other facilities.

20

At any rate, the existing pavilion is really a
21 hodge podge of structures. It isn't particularly
22 significant in size. Our long time concessionaire there
23 came up with a request to expand the restaurant and food
24 preparation facility and serving area for the public.
25 Parks supports the proposal. It's what I submitted to

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2 you today. It works out to be roughly a three thousand
3 seven hundred square foot expansion of the existing
4 structure. Some of the benefits to the park itself are
5 that there will be more official egress to the park
6 property, to the beach, in that right now there are some
7 tight spaces in terms of pedestrian access through the
8 restaurant area to get to the beach area. That
9 separation will be improved.

10 The county, through its capital program, did a
11 handicapped accessible boardwalk down to the beach. The
12 issue though is there no handicapped accessibility up to
13 that facility. We have a ramp on either side of the
14 beach pavilion, neither of which is compliant with ADA
15 standards. Part of the proposal is to add such a;
16 handicapped accessible pathway up to our existing
17 boardwalk that goes out to the beach. So we would truly
18 have ADA compliant access, which would be great.

19 I think I mentioned in the letter there is
20 some removal of the existing Japanese black pines, which
21 were very much in vogue at the time. We found that they
22 have become deceased over a period of years and we are
23 proposing to replace those were native indigenous
24 species. We have had some luck with pitch pines in an
25 area such as this, which is not in the dune itself. It

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2 is sheltered by the building. The poor soil is suitable
3 for pitch pine growth, in addition to some indigenous
4 shrub species, such as bayberry is proposed to restore
5 the area and provide some buffer between the parking lot
6 and the park itself.

7 I had asked the architect to clarify this. It
8 wasn't clear to me and it may not be to you. I attached
9 what is proposed and what is existing. I will pass that
10 around. I also have a full to scale site plan. I only
11 provided you guys a copy of what was both easy enough to
12 copy and relevant to the discussion as it relates to the
13 overall proximity to the ocean beach. I'll pass that
14 around as well. It shows the existing accessible to the
15 beach and handicapped accessible ramp that we added four
16 or five years ago, and how the overall project related
17 to the facilities at the beach. Questions?

18 MR. MACHTAY: You said thirty-seven hundred
19 square feet. Is that the size of the expansion or is
20 that the overall size of the whole thing when it's done?

21 MR. GIBBONS: Is the size of the proposed
22 expansion.

23 MR. BAGG: One question, Nick. I mean, that
24 is including the deck space?

25 MS. RUSSO: Yes.

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2 MR. GIBBONS: There are three main elements,
3 the expanded deck area, which is roughly a square, the
4 ADA compliant ramp that would tie into the existing
5 boardwalk, and then the expansion of the eating area,
6 restaurant facility area.

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8 MR. BROWN: What is the actual square footage

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10 of the building?
11 MR. GIBBONS: I don't have it. I don't

12

13 know.
14 MR. BROWN: If it's a hodge podge of
15 buildings, would it be better off to take the buildings
16 down and put something different?

17

18 MR. GIBBONS: We don't have the funding
19 available to do such an expansion.

20

21 MR. BROWN: One of the reasons why I say
22 that, you want to keep it within the character of the
23 beach by not expanding the parking lot. A thirty-seven
24 square foot deck is pretty large. I don't know if it's
25 the same size as the building that is there now.

26

27 MR. GIBBONS: It's not. You can see as how
28 it relates to what is proposed versus what is existing,

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30 MR. BROWN: You don't know the size of the
31 present building?

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33 MR. GIBBONS: No, but that is not impossible

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2 to figure out. We did -- the replacement of the
3 building is a multi-million dollar proposition that the
4 county isn't prepared at this time to undertake. I'd
5 say the proposal is or existing facility, there are
6 roughly seventy-five hundred to eight thousand square
7 feet.

8 MR. BROWN: So you want to go fifty percent
9 larger with the decking.

10 MR. KAUFMAN: The deck itself, I've been
11 down there a couple of times. From an aesthetic point
12 of view and user point of view, it's an improvement.
13 It's a relatively small deck and gets overwhelmed very
14 quickly. From an aesthetic point of view, you would be
15 able to see more of the beach and look at the dunes and
16 the rest of the structures in the area.

17 If you look at what is there right now, it's
18 only a tiny little deck. You're talking a fair
19 expansion of deck, but it does go along with the
20 building. Will it increase use? If you put something
21 up that is well constructed, I would say that there is a
22 good chance that there will be an increased use of the
23 building, but you have -- it's there right now. But
24 because of the parking spaces, there would be a limited
25 increase in capacity. Assuming it's under four thousand

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2 square feet, it kicks into a Type 2.

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4 I'm sort of mixing apples and oranges. I
5 don't see this as being anything in a negative way. I
6 don't see any real problems being created from its
7 construction. Yes, there will be more use in the area,
8 that is definitely true, but that is in and of the
9 building itself as they expand that. It looks like
10 easily a fifty percent expansion of the food areas and
11 prep areas and things like that.

11

12 You're correct on the numbers. Again, just
13 scaling this, I'm trying to find a scale marker on here,
14 it looks like it's under four thousand.

14

15 MR. BROWN: The question I have, you're going
16 to remove vegetation and plant in other areas, which I
17 understand. But you're expanding a deck to thirty-seven
18 square feet where you have no expansion for people to
19 come into it. You have a six hundred stall limit and
20 they're filled up. Right now what is existing is
21 satisfactory to the --

21

22 MR. KAUFMAN: It's not just deck that is
23 going in. It's a lot of building also. Do you have the
24 full map?

24

25 MR. GIBBONS: The existing conditions is
something Parks is seeking to correct with this

1

2 project. Park patrons who aren't making use of the
3 concession area, having to basically walk through the
4 dining area and concession area to get to the beach.
5 That inefficient access to the park is something that is
6 going to be addressed.

7 MS. GROWNEY: I have a bunch of questions. I
8 would also like to take a look at the plan in order to
9 comment more correctly. What kind of study was done to
10 satisfactorily warrant the expansion to the degree it
11 is? Without seeing it, it's hard for me to relate to
12 what you're talking about to some degree.

13 Was there -- do you have -- do you know, has
14 there been a study as to how many people are actually
15 using the spaces there now? Is there large groups for
16 short periods of time? Is it overwhelming so that
17 people are falling into the dunes off the full deck?
18 What are the parameters by which the decision was made
19 to expand the usage?

20 Perhaps the layout could be rearranged instead
21 of expanding as a possible solution versus expansion.

22 MR. GIBBONS: You mean a second level?

23 MS. GROWNEY: The layout changed around. I
24 don't know. I haven't seen the actual design layout of
25 where things are placed right now within the structure.

1

2 If that layout was altered in a different capacity so
3 that the use has a different flow pattern. I'm really
4 asking a bunch of questions about the current usage,
5 what were determining factors that the expansion was
6 warranted, and how was the usage examined in its current
7 state.

8 MR. GIBBONS: The day-to-day observation and
9 working with the concessionaire for ten years is how we
10 came to propose the project. I wouldn't classify it as
11 a study, but it's first-hand knowledge of how the parks
12 operate and effectively managing the use of its own
13 properties. Nobody really knows better than the parks
14 staff and concessionaire themselves as how to best
15 manage the property.

16 MS. GROWNEY: How many concessions are there
17 just, the one?

18 MR. GIBBONS: Yes.

19 MR. GULBRANSEN: You come up a ramp, go
20 through this area and go down the boardwalk, which has
21 tables. It's a challenge to get through this if you
22 don't want to dance to the Jimmy Buffet stuff.

23 MR. KAUFMAN: Eva, look at the existing
24 building. It's relatively small. There is not much to
25 it.

1

2 MR. GULBRANSEN: On a weeknd, it is packed.
3 You have to walk through it like this. It's a good
4 thing.

5 MR. GIBBONS: The expansion is toward the
6 parking lot. The other direction would be into the Dune
7 habitat area.

8 MS. GROWNEY: So you're expanding it.

9 MR. GIBBONS: North.

10 MS. GROWNEY: There really won't be more
11 visibility to the beach, per se, if you're expanding
12 north because it's some what tucked behind the existing
13 building.

14 MR. GIBBONS: No. This is the proposed
15 additional deck squre footage, this is existing, this is
16 the existing boardwalk out to the beach. (Indicating on
17 plan)

18 MS. GROWNEY: All this is existing; is that
19 that you're saying? It's not clear.

20 THE CHAIRMAN: When do you plan to start
21 doing this, if it was approved.

22 MR. GIBBONS: Not before this season.

23 THE CHAIRMAN: Could you bring some -- could
24 we postpone doing anything with this and bring some
25 photographs and a little more descriptive material

1

2 perhaps to the next meeting?

3

MR. GIBBONS: Yes. The one thing I would
4 like direction from you guys, can we agree that it's
5 less than a four thousand square foot expansion of an
6 existing structure, that it is, in fact, a Type II
7 action and to that end, what information can I provide
8 to you that would demonstrate other than a scale plan
9 that shows the square footage.

10

THE CHAIRMAN: I think people here are
11 interested in it, but are not familiar with the property
12 and would like to see what the existing conditions are.
13 What you are trying to improve. How it is improving the
14 effectiveness of the overall project without increasing
15 the size of the parking lot, things like that.

16

Also, any statistics that you might have. I
17 understand that you probably don't have a lot.

18

MR. GIBBONS: We don't, I can tell you that
19 today.

20

THE CHAIRMAN: Anything that would be helpful
21 in clarifying some of the discussion.

22

MS. GROWNEY: Part of it for me is showing
23 the existing and proposed is all kind of jumbled in
24 here. It's not clearly delineated. And to see what
25 this land looks like, where you are going to build to

1

2 see actually the configuration. What kind of terrain
3 it has, what the vegetation is.

4

MR. KAUFMAN: Nick, you would be best served
5 if you would simply give us a photo array, which you
6 have done in the past with several larger projects so we
7 can see it and look at, among other things, taking in
8 account what Steve was talking about, pictures of the
9 black pines, which are not in the greatest of shape.

10

MR. GIBBONS: I'll be happy to bring
11 additional pictures, but it won't show -- you will see
12 a beach scene of basically what is an abandoned park
13 this time of year. What you won't see is people.

14

MS. GROWNEY: That's okay. Pictures from the
15 existing deck areas looking towards the parking lot, at
16 least that would give us a picture of what the terrain
17 looks like so we can see what it going to be disturbed.
18 So we all understand what the content of this is.

19

MR. GULBRANSEN: You will be replanting
20 around the observation deck, which is the new part. Is
21 it allowable or worth consideration to use that as an
22 opportunity to highlight the native species? It's kind
23 of difficult right now; where do you buy that stuff?
24 You go to Lowe's and they bring it in on trucks. Is it
25 conceivable to have nurseries who could benefit from

1

2 signage so you can -- it's an opportunity to educate
3 folks. It's something that --

4 MR. GIBBONS: That sound simple and it's a
5 fine idea.

6 MR. GULBRANSEN: The question is whether it's
7 allowable. You can say no.

8 MR. GIBBONS: We would have to provide
9 additional equal opportunity for additional firms. We
10 could be overrun with plant material in short order if
11 we made it available to everybody. The county though
12 is -- there is a do not sell list that the county --
13 it's an active county project and initiative. Part of
14 that push to use native species requires both DPW and
15 Parks and other county agencies not to purchase
16 non-native species, to use an approved list of
17 alternative species, and we have been doing that for a
18 number of years.

19 MS. VILORIA-FISHER: There is a positive flip
20 to that. I believe it might be next week there is going
21 to be Long Island native grasses initiative. The group
22 that has been working through the Water District. There
23 is going to be several shows where there are nineteen
24 native species that are going to be available for sale.
25 I will send you the information. It sound like a good

1

2 idea to get plants donated for advertising, but I don't
3 know if you can do that.

4 MR. GULBRANSEN: It's also a dune setting, so
5 it's not typical of what people would be buying to
6 plant.

7 MR. PICHNEY: A number of these plants are
8 readily available to contractors, locally. The
9 bayberry, shadlow, things like that are very common in
10 the industry and readily available. Some good nurseries
11 will carry things like that in this area. Most of the
12 wholesale nurseries that grow indigenous species are out
13 east. They seem to do more of that type of work out
14 there.

15 My question to you, something like a pitch
16 pine, do you know if that is grown commercially?

17 MR. GIBBONS: It's not. But we have a
18 relationship with Saratoga nursery at DEC so we have
19 done some of that, had some of those plants raised for
20 us in the past. That is something we would proposing
21 for here. The shadlow and amelanchier is something that
22 I would propose here.

23 I didn't know you guys would get in to that
24 amount of detail. You guys are an unpredictable bunch.

25 MR. BAGG: What is the size of the area to

1

2 be planted?

3 MR. GIBBONS: I can calculate that and bring
4 it to the next meeting.

5 MR. BAGG: My question revolves around the
6 expansion. The immediate facility is thirty-seven
7 square feet. When you take into consideration the area
8 of planting and everything else, it may exceed that.

9 MR. GIBBONS: I think I calculated that all
10 together, but I didn't break it out as to what is deck
11 and what is disturbed area.

12 MR. BAGG: It seems like with the area that
13 you were planting, it's a larger area.

14 MR. GIBBONS: I'll calculate that more
15 carefully. I'll define that.

16 MR. BROWN: If you're going to plant with
17 indigenous plants, maybe we should have educational
18 signage so people understand what we're bringing in.
19 Like Jim said, I'm more concerned about the disturbance
20 in the environment in that area that you're going to
21 take stuff out and replant.

22 MR. GIBBONS: You will get a better idea of
23 what the area is and you will see it's not a significant
24 disturbance.

25 MS. GROWNEY: It looks like -- it's not

1

2 really descriptive enough for me to understand. It
3 looks like you're adding in different locations. There
4 is a new proposed storage area and ramps and lots of
5 different areas. The only way to get access to the
6 storage is through the toilets, and it's bigger than the
7 toilets.

8 I'm wondering if the plan is laid out in a way
9 that makes it more efficient so that most of the new
10 construction is in one location rather than all these
11 parts around, so there is less disturbance to these
12 areas.

13 And final comment is the skylight above that
14 is going to be a hot place to be on the beach. It's a
15 lot of glass. It's very expensive. That's all.

16 THE CHAIRMAN: It also provides light.

17 MS. GROWNEY: It's a lot of glass. It's
18 expensive.

19 MR. PICHNEY: What is the condition of the
20 beach there? Is it a wide beach or are the buildings in
21 danger from nor'easters than have been more prevalent
22 than hurricanes.

23 MR. GIBBONS: In this time of year the
24 beaches don't look good anyway. It's in an accretion
25 season. This past winter we had the ocean up to and

1

2 inundating the staircase that goes down to the beach.

3 That is not unusual for the winter.

4 MR. PICHNEY: Not as bad as Smith Point.

5 MR. GIBBONS: No, nothing within the county

6 holdings is as bad as Smith Point.

7 THE CHAIRMAN: Can we have a motion?

8 MR. KAUFMAN: Motion to table this.

9 MS. GROWNEY: Second.

10 THE CHAIRMAN: All in favor? Opposed?

11 Motion carries. Nick, we're unpredictable. That means

12 you should always come prepared for the worst.

13 While Nick is still here, let me mention that

14 Lee Koppleman wrote a book, which is out maybe a year,

15 about *Fire Island* and the very important role that

16 Suffolk County has played in the development of the

17 island as a recreation facility over the last fifty,

18 sixty years. It's well worth your reading. I think

19 Seth Forman is a co-author with Lee on that look.

20 MR. KAUFMAN: As along as I have you on the

21 witness stand, Blydenburgh Park and Caleb Smith Park

22 water management. Caleb Smith drains into the Stump

23 Pond.

24 MR. GIBBONS: Other way around.

25 MR. KAUFMAN: There were some concerns about

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2 water management, and the recent storms nearly filled up
3 Stump Pond and came close to going over some of the
4 embankments there, and to my eye there could have been a
5 large problem with the blowout by the middle. Has
6 anyone looked into trying to drop the water levels more
7 than they are ordinarily dropped with the kind of storms
8 that we are getting with more and more frequency?

9 MR. GIBBONS: The short answer is yes, we
10 have. The long answer is that the dropping of water
11 level is regulated by the New York State DEC. For many
12 years, we coordinated with Caleb Smith and state parks
13 there to give them a heads up, we are dropping Stump
14 Pond in anticipation of a storm events. We have to go
15 to Millers Pond and drop that. The entire system is
16 connected. There is a benchmark at Stump Pond that we
17 are not to go under that has been established for many
18 years.

19 The issues that I believe you spoke to
20 Clarence there on from time to time it is true that
21 Parks is delinquent in dropping the level in an
22 efficient enough manner. There has been a tremendous
23 amount of turnover of staff there. Some are more
24 familiar than others. It gets to a point if too much
25 water buildup, you have to bring a tractor to down there

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2 to pull some of the boards up because so much pressure
3 is behind them that it has to be released in a very slow
4 manner rather than dropping six inches of water at one
5 time.

6 We also have the closure of the small spill
7 way over by the middle. The project will be getting
8 under way. We expect the next phase of that will be
9 coming over soon. The result of that is none of the
10 water is coming over that spill way. It's all being
11 pushed over to the west to the big spill way, as you
12 know.

13 MR. KAUFMAN: Yes, it's looking pretty tough
14 over there.

15 MR. GIBBONS: It has a tremendous amount of
16 capacity there. It is true Caleb Smith is directly
17 downstream of that structure. I did talk to the parks
18 supervisor over there. He's well aware of the issues
19 there. Now twice in the past, I would say three years,
20 we had a hundred year storm. We had a lot of surface
21 water management issues in that northeast branch.

22 MR. KAUFMAN: You may need to start looking
23 at the stuff maybe a couple of days earlier than you
24 would.

25 MR. GIBBONS: We do. We used to do it more

1

2 aggressively. DEC kind of cracked down on that a little
3 bit and they're asking us to get their approvals ahead
4 of time. Predicting the stuff is a tricky affair. We
5 are doing the best we can.

6 I did speak to Clarence about it. We are on
7 the same page. It's not that we have a different
8 philosophy about it, but we have to do it within the
9 regulations.

10 MR. KAUFMAN: My concern is we are getting
11 more and more rainstorms like that. The weather is
12 changing on Long Island. Larry did some statistics for
13 Nissequogue and Head of the Harbor a couple of years
14 ago. It showed that rain events are coming harder and
15 more frequent. You might want to talk to DEC about it.
16 I don't want to see us in a reactive phase and have
17 blow-outs.

18 I have built dams in the past and I know how
19 bad things can go when things go wrong. When you have
20 an overtopping, you can lose a heck of a lot of capital
21 infrastructure and cause damage in the area.

22 MR. GIBBONS: Well, we did have damage at the
23 Mill as well. That has started to fail. A future phase
24 will be reconstruction. I hope to be able to bleed some
25 water of out there. It's a hundred acre pond, which by

1

2 Long Island standards is very much a lake. Behind those
3 boards there is a lot of management and thought that
4 goes into how we regulate that.

5 THE CHAIRMAN: Proposed acquisition of open
6 space. We will talk about Mud Creek. Loretta.

7 MS. FISCHER: Hopefully, I will be very quick
8 for you this morning. One proposed acquisition before
9 you. It's a small lot, less than a quarter on Mud
10 Creek, in the Hamlet of East Patchogue. As you can see
11 on the map, it's at the headwaters area of the creek
12 itself on the eastern branch and this is -- this area,
13 this acquisition is a part of the Mud Creek County Park,
14 and it is a success story in the sense that this is a
15 number of old filed map parcels that we have been able
16 to amass and create an open space preservation area for
17 the river.

18 This river is also getting attention as far as
19 doing habitat restoration. The majority of the area to
20 the southeast, the area with the open water is a former
21 duck farm, the Gallo duck farm, and we took that parcel
22 as well as some other parcels that the Gallo family
23 owned through tax liens many years ago, actually, in the
24 mid '90's, and we are looking to do wetland restoration
25 of that stream corridor as well.

1

2 So, this property is part of the acquisition,
3 but we are also looking to do other restoration work
4 along the stream corridor.

5 MR. KAUFMAN: Loretta, quick question.
6 Restoration work, I know what creation of wetland is.
7 Are you going to be taking out of any of the foreign
8 deposits that might be in the area, or are you going to
9 be leaving them in site?

10 MS. FISCHER: Phragmites?

11 MR. MACHTAY: Duck stuff.

12 MS. FISCHER: We are going to be evaluating
13 that. We are working on the plan to restore it. If, in
14 fact, we feel it's necessary, we will present that.

15 MR. KAUFMAN: You don't see any pollution
16 coming off from there?

17 MS. FISCHER: No. We have done a water study
18 analysis. We are using the western branch as a guide to
19 the water quality and compare to the eastern branch of
20 where the duck farm is. We are looking at this as a
21 comparative study of two branches of the river and
22 various uses that have impact the over the years.

23 What we are going to do as part of the study
24 is evaluate those conditions, both east and west, look
25 to see where we can make the most appropriate

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2 restoration work. The western -- the eastern branch is
3 heavily inundated with phragmites at this time, so it's
4 something we will have to grapple with on a massive
5 scale.

6 MR. KAUFMAN: Removal of phragmites is not a
7 problem. They're an invasive species, for all intents
8 and purposes.

9 MR. BROWN: Are all these parcels county
10 parcels, and they have been designated as park land?

11 MS. FISCHER: Yes. Being that you represent
12 the Town of Brookhaven, the parcels in purple are those
13 designated park land.

14 MR. BROWN: I don't know. I do know that the
15 open space committee from Brookhaven has bought lots in
16 those areas. I have to take a look at the map and
17 determine that. You know what happens, a lot of times
18 when you pick up properties for tax purposes, they go
19 into general municipal, and the next thing you know, we
20 turn around around, they have been sold and we thought
21 they were dedicated park lands.

22 MS. FISCHER: We send through separate
23 resolutions to actually transfer and have them
24 designated as park land.

25 MR. BAGG: I think those were required and

1

2 were going to be used for affordable housing units.

3 MS. FISCHER: That is why I asked.

4 THE CHAIRMAN: Is it important to your
5 ultimate plans?

6 MS. FISCHER: It would be very beneficial for
7 them to be placed in a preservation category, an open
8 space preservation category in that area. Obviously,
9 is part of the watershed to the headwaters of the stream
10 corridor, although there are other developments around
11 there, including, I believe, a senior citizen housing
12 complex. Whatever we can protect in that watershed
13 would be helpful.

14 We would recommend they be placed in an open
15 space category rather than affordable housing. We would
16 like to make that recommendation.

17 THE CHAIRMAN: Steve, you will find out for
18 us.

19 MR. BROWN: I will.

20 MS. VILORIA-FISHER: I have a question for
21 Jim regarding the affordable housing question. Were
22 they properties that transferred from the county to the
23 town for the purpose of affordable housing?

24 MR. BAGG: I don't remember. I recollect
25 that property was proposed for affordable housing. It

1

2 might have been transferred from the county. I don't
3 think so.

4 MS. FISCHER: I don't think so, Vivian. They
5 were town owned for a number of years. At least into
6 the mid '90's they were town owned. My recollection is
7 that those properties were not county owned. We did not
8 transfer them and they have been town owned for a number
9 of years.

10 I was in contact with Jeff Kasner about them
11 maybe five or six years ago, just to get an update. I
12 don't know if he was able to ascertain.

13 MR. BROWN: We work closely with the county
14 on preservation. Whatever we can do to protect the
15 environment, we will.

16 MR. ISLES: I think this is a preservation
17 success story. I think about ten years ago there was
18 the option of there being a sale, including the duck
19 farm, which would have been auctioned off, purchased by
20 the county, the Unitarian church property and
21 subsequently -- this has been identified as the only
22 native trout population left.

23 MS. FISCHER: Yes, on the western ridge, so
24 it's very significant.

25 MR. ISLES: Not a stock trout population.

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2 Genetically, it's an original trout population.

3

4 MR. KAUFMAN: One of the branches in the
5 Nissequogue river is in the same situation. They have a
6 remnant of the original trout population.

6

7 MR. KAUFMAN: Motion, unlisted negative
8 declaration.

8

9 MS. GROWNEY: Second.

9

10 THE CHAIRMAN: All in favor? Proposed motion
11 carries.

11

12 Proposed safety improvement to CR 21, Main
13 Street, Yaphank.

13

14 MS. BOESCHEN : Good morning. I'm Elizabeth
15 **B-O-E-S-C-H-E-N** . I'm a civil engineer. Suffolk County
16 improvements to CR 21, Main Street, Yaphank. It's
17 existing two lane road, predominantly east-west in the
18 area. The existing horizontal curb is approximately six
19 hundred thirty foot radius. It has a normal crown, not
20 super elevated section.

20

21 We received numerous requests from residents
22 in the area for guide rail installation due to several
23 accidents where vehicles actually would leave the
24 roadway and encroach on their private property. We're
25 proposing to increase the radius of the curb to twelve
hundred feet, flatten the curb and super elevate the

1

2 roadway, alleviate the problem, increase safety.

3

4 The project constructed in the existing
5 right-of-way, it will include replacement of curb,
6 sidewalk and relocating drainage. The proposed lane
7 configuration will be the same as existing; two lanes,
8 one in each direction. Existing right-of-way is mostly
9 clear of vegetation and the project should have minimal
10 impact on the project. We don't need then a DEC
11 freshwater permit for the project.

12

13 MS. GROWNEY: I don't know what super
14 elevated means.

15

16 MS. BOESCHEN : That means we would bank the
17 roadway to make it easier for vehicles coming along the
18 curb to stay on the roadway.

19

20 MS. GROWNEY: How does that impact the
21 ingress and egress of residential properties in terms of
22 their sight line when pulling out of their properties?

23

24 MS. BOESCHEN : It's very minor. You wouldn't
25 notice it visually. It would be raised on the south
side and we are moving the roadway further out from
their properties, so we will be able to take care of
that little bit of grade elevation increase.

26

27 MS. GROWNEY: How much is it?

28

29 MS. BOESCHEN : Maybe six inches. This is a

1

2 conceptual design.

3

MS. GROWNEY: It's not going to be a
4 problem pulling up to it? You know when a car's front
5 rises, it sometimes reduces your sight line in terms of
6 your horizontal perception of what is going on, but this
7 is very minor.

8

MS. RUSSO: How many feet are you pushing it
9 over?

10

MS. BOESCHEN: Eight feet to the north.

11

MR. PICHNEY: I'm trying to place where that
12 is. To the east, how far away away are you from that
13 intersection where the historic gas station is?

14

MS. BOESCHEN: Maybe it's right about here,
15 maybe a couple of thousand feet.

16

MR. PICHNEY: Maybe seven, eight hundred
17 feet.

18

THE CHAIRMAN: Is this in the historic
19 district?

20

MR. MARTIN: It's within the Town of
21 Brookhaven Historic District, not within the county
22 historic district.

23

THE CHAIRMAN: Does that have any conflict
24 with that district? I know you can't speak for the town.

25

MR. MARTIN: I can say I did visit the site.

1

2 I don't see a problem with it. The Yaphank Historic
3 Society that we worked with is in support of this
4 project. I don't know about the town's planning
5 department or historic committee point of view.

6 MR. BROWN: Did they send you any
7 documentation that they support the project? I don't
8 see a problem with it.

9 MR. MARTIN: They didn't send a letter. I
10 think they would.

11 MR. BROWN: I recommend that they speak with
12 the historic society and get a letter.

13 THE CHAIRMAN: Have you coordinated with the
14 town?

15 MS. BOESCHEN : No.

16 MS. GROWNEY: That is my question. Seeing
17 the presentation of this, the public seeing this
18 somehow, some sort of dialogue.

19 MR. MACHTAY: Flattening the curb and
20 elevating the road, does it increase the speed?

21 MS. BOESCHEN : No, it will help the motorist
22 stay on the road. For eighty-fifth percentile is
23 forty-five miles an hour. For a lot of people, the
24 problem is going fast and coming off the roadway.

25 MR. MACHTAY: You don't expect that people

1

2 will be going faster, whatever the road speed limit has
3 to be?

4 MR. PICHNEY: I have walked that strip a
5 million times. It's a raceway, believe me.

6 MR. BROWN: You put the sidewalks in and
7 things like that; it's nice. I'm saying make sure the
8 historic society of Yaphank is a very powerful group. I
9 think you will agree with that.

10 MR. MARTIN: I agree. Also the Town of
11 Brookhaven, the historic review board, I think, should
12 weigh in on it for the historic districts within the
13 Town of Brookhaven.

14 THE CHAIRMAN: Do we have a motion as to
15 which direction we want to go?

16 MR. KAUFMAN: You're going to be redoing the
17 road in the area. What is the drainage like? We are
18 near Lower Lake, I guess, in the watershed. Is there
19 going to be any addition to the drainage?

20 MS. BOESCHEN : We are not going to add to the
21 drainage. We have a positive drainage system now. We
22 are moving the basins back.

23 MR. KENEIBY: We are not adding any
24 material. It should stay the same. We will have a
25 water project for this area that is going on maybe in a

1

2 year so, I'm not sure, couple of years from now. We
3 will have a water quality project on that.

4 MR. KAUFMAN: Given the drainage in the area,
5 is it picking up the water flowing from the rains? We
6 are not having overflow onto people's properties or
7 anything like that? Is the drainage adequate?

8 MR. KENEIBY: Yes.

9 MS. GROWNEY: The reconfiguring is not going
10 to impact that?

11 MR. KENEIBY: We are not adding area, we are
12 going to reconfigure our drainage system and maybe
13 relocate some -- maybe add additional basins to improve
14 the drainage system.

15 MS. GROWNEY: Any revegetation plan?

16 MR. KENEIBY: At this point, I'm not sure.
17 We may add a couple of trees, but we don't add them on
18 the county property. We may add a couple of street
19 trees.

20 THE CHAIRMAN: That may be something you want
21 to run past the county people.

22 MR. BAGG: We do notice several people in the
23 area. It goes to the CAC, Town of Brookhaven
24 Supervisor's Office, Legislator Kate Browning.

25 THE CHAIRMAN: Theoretically, we are

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2 covered.

3 MR. BAGG: We haven't heard anything back.

4 MR. BROWN: My thing is the Historic Society
5 of Yaphank sending a letter in support of it.6 THE CHAIRMAN: We have three historic
7 districts we're dealing with, Yaphank, Brookhaven and
8 Suffolk.

9 MR. BROWN: No.

10 MR. MARTIN: It's only the Town of Brookhaven
11 Historic District.

12 THE CHAIRMAN: There is not a Yaphank?

13 MR. MARTIN: It's the Yaphank Historic
14 District, but it's a town designation. There is not a
15 county property within this project.16 MS. SPENCER : Having drawn that district many
17 years ago as chair of the HDAC for the Town of
18 Brookhaven, I recommend that we approve it.

19 THE CHAIRMAN: Make a motion.

20 MS. SPENCER : So move.

21 MR. MACHTAY: We have a motion for that?

22 THE CHAIRMAN: We accept the project as
23 unlisted.24 MR. MACHTAY: I will second unlisted Neg
25 Dec.

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2 MR. GULBRANSEN: Will it not be subject to
3 outreach and feedback?

4 THE CHAIRMAN: Not according to her motion.
5 You can vote against her motion.

6 MR. BAGG: Mary Ann, you said that you were
7 chair.

8 MS. SPENCER : I drew that district. I don't
9 have any problem asking them for feedback, but I don't
10 see why we should slow something down that is not going
11 to have visual impact on the district.

12 MR. BROWN: That is a determination by you.
13 I'm not sure whether it's going to have a visual impact
14 or not. I don't live in the district myself. But if we
15 reach out to the historic society --

16 MR. KAUFMAN: She was taking notes. I think
17 it would be a good thing to solicit the agencies'
18 comments, and if those comments --

19 MS. SPENCER: The Town of Brookhaven should
20 have done that. By law, they should have contacted the
21 HDAC and asked for their input.

22 MR. KAUFMAN: Technically you are correct.
23 But it wouldn't hurt to find out if they have any
24 issues.

25 MS. SPENCER : It wouldn't hurt, but I don't

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2 see why we should slow it down.

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MR. MACHTAY: If the project doesn't
4 substantially change after those comments, then she will
5 be back here; that's all.

6

THE CHAIRMAN: We have a motion on the floor.
7 We have a second. All in favor? Opposed? Motion
8 carries. The motion implies that you can go forward,
9 but I would appreciate actually if you do reach out to
10 them and get comments and let us know at the next
11 meeting what those comments are. If they have not
12 commented by the May meeting, I would say just move on.

13

MR. MACHTAY: The Department of Public
14 Works, your question comes up; have you met with the
15 community? Have you met with that group, and have you
16 have met with that group.

17

If the Town of Huntington tried to do a
18 projects without meeting with the community, or New York
19 State DOT was going to improve a road or stretch of road
20 without meeting with the local area residents and
21 politicians and everybody else is, they would never move
22 ahead. I find why doesn't the county do it.

23

MS. VILORIA-FISHER: County does do it. I
24 have a law that I introduced back in 2001 or 2000 which
25 was the Good Neighbor Policy Law, or something like

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2 that, where the county, if it's making any changes to
3 county property, has to inform and meet with neighbors
4 within a certain amount of area, even if it's on county
5 property.

6 MR. BROWN: Have to meet with?

7 MS. VILORIA-FISHER: Have to inform.

8 MR. BROWN: Which is what they did. They're
9 covered by the mailing. The thing that I see is that I
10 don't really see a problem with the project myself. But
11 I would hate to have the historic society come in here
12 and say look what you did to your area.

13 The thing that I'm saying, if we have
14 documentation saying that we approve it with the
15 plantings or whatever it might be, would be a lot better
16 and a lot better community communication than just
17 sitting here and saying just do it.

18 MR. BAGG: If I might point out in DPW's
19 defense, this project came about at the request of the
20 local residents living on the road, so there was
21 community input.

22 MR. MACHTAY: Absolutely, but the fact of the
23 matter is maybe a year or two years has gone by and they
24 haven't heard anything. What is the county actually
25 going to do. This would be a way of informing them.

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2 Look, New York State DOT has a number of projects on
3 Route 110 and New York Avenue in Huntington north of
4 Jericho Turnpike and south down around the Expressway.
5 There have been a number of meetings with the community.

6 I don't agree with everything that the
7 community has come up within objection, I know that DOT
8 doesn't necessarily agree either. At least they're
9 willing to duke it out with the community and make as
10 many people happy as they can. That may be impossible.

11 MR. PICHNEY: Did you send letters to the
12 residents?

13 MR. KENEIBY: No, we didn't.

14 MR. PICHNEY: That is what gets people upset,
15 when the trucks show up and they have no idea what is
16 going to happen.

17 MR. KENEIBY: When we have the projects
18 designed, we will inform them.

19 MS. VILORIA-FISHER: I'm going to go back and
20 send you a copy of the actual policy. If there should
21 be notification of anyone within a certain range, I'll
22 send that to Gil Anderson.

23 MS. GROWNEY: It also disrupts their daily
24 activity there while it's going on.

25 MR. KENEIBY: Before we put a project out we

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2 normally inform.

3 THE CHAIRMAN: So you're thoroughly confused
4 now? As Mr. Pavacic said, this is a tough group.

5 MR. GIBBONS: I don't think he did.

6 MS. GROWNEY: Nick did.

7 THE CHAIRMAN: You are going to get back to
8 us next month about the contact you made with the
9 Historic Society in Yaphank,

10 MR. KENEIBY: We are moving forward with
11 this.

12 MS. GROWNEY: Just those new things.

13 MR. MARTIN: Just to clarify, if you are
14 going to look for communication, I think it should be
15 with the Town of Brookhaven. Is that under Planning,
16 the historic district?

17 **MS. SPENCER** : Historic District Advisory
18 Committee.

19 MR. MARTIN: They're the ones that legally
20 supervise this area. Historic society is a membership
21 group, can give their comments so I think both should be
22 informed.

23 MR. PICHNEY: You can write a letter to cover
24 your butt, but unless the right people know, it's
25 useless.

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2 THE CHAIRMAN: Nick.

3 MR. GIBBONS: I have reappeared. Good
4 morning.

5 THE CHAIRMAN: You have nothing to propose to
6 us, so we can't beat you down too badly.

7 MR. GIBBONS: We will see. I thought that
8 was the case earlier and I was wrong in terms of
9 updates. I don't have much to say except for next month
10 I intend to bring to you the Cedar Point Master Plan.
11 It's a document that has been kicking around on our end
12 for about two and a half years, for a variety of reasons
13 that I will get to next month. It will be sent to you
14 in advance.

15 Cedar Point is roughly a six hundred acre
16 property in the northwest woods section of East Hampton
17 just east of Sag Harbor. The county owns the property
18 for nearly forty years now. It's a significant property
19 of diversity of habitats. Lots of different
20 recreational activities that go on there and
21 opportunities. A historic lighthouse structure.
22 Endangered species, so there is a whole mix of different
23 things.

24 It will serve two functions. One is the
25 master plan itself that the formal presentation and a

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2 document similar to Blydenburgh, similar introduction to
3 the council on what Cedar Point is and what goes on
4 there.

5 MS. GROWNEY: Since I live in East Hampton
6 and it's a treasured place for us, are there any major
7 plans anticipated, that you want to do there.

8 MR. GIBBONS: I would defer that to next
9 month's meeting. Just as something of a real brief
10 statement about the direction that the consultants were
11 given when developing the master plan was, essentially
12 what we wanted to do was maintain the status quo,
13 protect the park from the Parks Department, if that
14 makes sense, in that we don't want a lot of
15 infrastructure or increased activity at the site. And
16 it makes some recommendations like any master plan or
17 working with the consultant.

18 They're basically reformatting and helping
19 direct what your goals are, and we were very pleased
20 with the overall recommendations that came out of The
21 it's basically a confirmation of status quo with some,
22 yes, there are some improvements and capital
23 improvements proposed, but I wouldn't classify any of
24 those as significant, if that helps.

25 MS. GROWNEY: It's great.

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MR. GIBBONS: Anything else?

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THE CHAIRMAN: Can you give us a brief status of the County's Atlantic Ocean beaches and what plans are necessary to fix them. That is in the works.

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MR. GIBBONS: The current status of the various county beaches, and I guess we can focus primarily on Smith Point County Park.

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THE CHAIRMAN: County Beach Park, are there others of particular interest to you? Will they be opened?

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MR. GIBBONS: They will be open. They are open currently. At Smith Point, just very briefly, we have lost, depending on your calculation, several hundred thousand yards of material there. The site was the focus of two nourishment projects over the last three years. There is an additional federal declaration which the county is pursuing, additional funding. However, environmental windows, being what they are, no project will happen there of any significance until those windows are lifted. That is October.

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We are going to basically enter the season with the current status as is. That being said, the sea wall that protects the pavilion at Smith Point as well as Flight 800 memorial has been exposed, about eight to

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2 ten feet exposed. I don't think that anything will
3 happen any time soon, but the ocean bathing area has
4 shown some accretion. There will be some swimming the
5 beach buggy access, which may not be a concern for the
6 people here, but for the management status, is it.

7

8 We have recreational beach buggy access to
9 about five miles of beach. That is open from time to
10 time in season, depending on what the birds are doing.
11 We have the benefit of a road behind the primary dune, a
12 sand pathway to Burma road which allows public access to
13 the inlet. Although the bathing area will be limited,
14 we will have the same access as we have over the years.

14

15 The beach doesn't look good. At Cupsogue,
16 there is some accretion there as well. Bathing beach
17 area is usually the area with the best beach conditions
18 at that park. Then begins, as you begin heading west
19 towards towards Moriches inlet you have significant
20 erosion. Cupsogue too will be open for business same as
21 ever.

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22 Then we have other facilities that were
23 impacted, but these are more passive parks. We own four
24 miles of beach at Shinnecock West. We own a half a mile
25 east on the Shinnecock East County Park where we have
recreational beach buggy access and beach camping. That

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2 has been somewhat diminished as a result of the storms,
3 but we are going to have limited outer beach camping
4 there this season. And our the other two facilities I
5 will mention, Theodore Roosevelt and Montauk County Park
6 where we have beach buggy access and beach camping area
7 to outreach camp for roughly a hundred sixty to eighty
8 campers, that is seasonal use. It's a skinny beach. We
9 have coastal storms in season where we have to routinely
10 evacuate the beach.

11 The last one is **Meschutt** County Park off
12 Peconic Bay, east of Shinnecock Canal. The park
13 suffered severe erosion. We have a nourishment permit,
14 but it's only good for, I believe it's a thousand cubic
15 yards of material. That is not a lot of material for
16 what is needed there. That site at some point in time
17 will need to be considered for true beach nourishment, a
18 dredging project, sand bypass around the canal, which we
19 have had in the past and/or some other beach nourishment
20 from the frontage of Peconic Bay, which is very tough to
21 get those types of approvals from the DEC within Peconic
22 Bay, far greater then when you're pumping up out of the
23 ocean.

24 THE CHAIRMAN: You have more or less a
25 long-term planning process for beaches. The county does

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2 pretty much reactionary. What happens at a particular
3 season?

4 MR. GIBBONS: The long-term study will be
5 subject to the FIM, just as everyone else will be.
6 Absent that document, which, as you know has been many
7 decades in the making, we are very much reactionary. We
8 have a hard time, unless we're getting federal
9 reimbursement for some of these projects, we do not have
10 the wherewithal to stockpile sand and be prepared in
11 that sense for beach filling operations after the
12 storms.

13 The scale of the project at Smith Point, there
14 is truly no other practical way to nourish the beach
15 than to pump up sand from the ocean or the inlet, which
16 we did previously. That was a benefit in that the inlet
17 had not been dredged in many years. It was a
18 navigational hazard and it provided an excellent source
19 for beach compatible sand that did not have as many
20 environmental regulations as sand pumped up from one of
21 the Atlantic Ocean borrow areas would. It's an inlet.
22 It's an unstable environment. It's devoid of a lot of
23 other environmental considerations that these approved
24 borrow areas in the ocean are.

25 We're reactionary in that sense. The park has

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2 limited access over the Smith Point bridge, which has
3 considerations in terms of delivered up sand, which is
4 very expensive. It's about seventy-five to hundred
5 dollars per cubic yard for installation on the beach.
6 Rough tons for beach dredging, about twenty-five dollars
7 a yard, when talking about three hundred thousand yards
8 of material, it adds up very quickly. No apologies for
9 that. We are very much reactionary in that sense.

10 THE CHAIRMAN: The county parks, ocean
11 beaches to me are the crown jewels of Suffolk. It's
12 important to keep them going. I appreciate what you
13 do.

14 MR. GULBRANSEN: On the north shore, Crane
15 Neck Beach, which is a barrier beach, about twenty wash
16 overs occurred. A slice, I believe, is owned by the
17 county. Is that something which the county would become
18 a partner in addressing if they were going to try and
19 reestablish the dune that was built about ten years ago?

20 MR. GIBBONS: We potentially would be with
21 the other landowners, yes. As a site, that is just one
22 of tens of thousands of finite properties. I don't want
23 to suggest that they're insignificant, just the scale
24 compared to some of the other sites that we are having a
25 hard enough time managing.

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2 MR. KAUFMAN: One of the issues that County
3 Public Works has had with dredging projects and sand
4 replenishment projects is cost. County, over the years,
5 has been more focused on keeping harbors open. For
6 instance, Stony brook, Huntington Harbor and a lot of
7 East End areas, that is where their prioritization has
8 occurred.

9 They try to do beach replenishment in
10 association with that. You heard the astronomical
11 costs that applied to dredging project. Except in areas
12 where there is a public investment, county, generally,
13 expended funds to try and build up dune lines or beach
14 lines. When it's primarily a privately owned area and
15 the county has a small area over there, when there is
16 capital expenditures placed in there, such as Smith
17 Point, does beach replenishment generally occur. They
18 will cooperate if the private homeowners want to put in
19 a dune line or repair the dune line, they will cooperate
20 in something like that. Are we going to spend money or
21 for it? Generally not.

22 MR. BROWN: What part is county park?

23 MR. GULBRANSEN: As I recall, it's about
24 three quarters of a mile. There are many different
25 parcels. I think the part, just each of the maritime

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2 forest.

3 MR. BROWN: Much of it is state owned.

4 MR. GULBRANSEN: And there are actually relic
5 private parks. When they did the dune restoration in
6 the late '90's, there was some objection. I believe it
7 was for a little strip that was county owned.

8 MR. BROWN: Are you talking about Old
9 Field?

10 MR. KAUFMAN: You're talking about the
11 barrier bars at the entrance of Flax Pond?

12 MR. BROWN: That is east of it.

13 MR. GULBRANSEN: West of the inlet.

14 MR. GIBBONS: There is a single lot.

15 MR. GULBRANSEN: The question asked, is it
16 county?

17 MS. FISCHER: There are two that are on the
18 Sound.

19 MR. GIBBONS: The project that you're
20 referring to, Tom, I'm not familiar with, but the Old
21 Field Beach that we own outright, we actually own both
22 sides of Port Jeff Harbor Inlet.

23 MR. GULBRANSEN: That was not it. It just
24 made it. The storm of March 14th.

25 MR. BROWN: For many years it washed over.

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2 Whitehall, especially. At times when you had storms,
3 you had a washover on that beach for many, many years,
4 as far as I can remember.

5 MS. VILORIA-FISHER: Before we are off parks,
6 if I may beg your indulgence. We recently lost someone
7 who I feel was important to the parks and Suffolk
8 County. That was Ray Corwin, who died suddenly. I'm
9 disappointed that Newsday didn't have a fuller obituary
10 so people would know how much he gave to Suffolk County.

11 I got to know Ray Corwin because he was chair
12 of the Park Trustees. He was an at-large member of park
13 trustees. I learned a great deal from him. I don't
14 know all of his vitals. I know he was with the Pine
15 Barrens.

16 MR. GIBBONS: He was executive director of
17 the Pine Barrens Commission.

18 MS. VILORIA-FISHER: And served other roles.
19 I think Ray Corwin was a terrific gift to all of us in
20 Suffolk County. I know I will personally miss him.
21 When I went to the wake, there were many people from
22 Parks and the Trustees that were there. The former
23 director of LIBI was there right in line with Dick
24 Amper.

25 So, when you have someone from the Long Island

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2 Builders Institute and Dick Amper waiting on the same
3 line to pay their respects, that will tell you the broad
4 reach that this man had, so I wanted to say a few words
5 about Ray Corwin.

6 THE CHAIRMAN: I have a suggestion for your
7 problems out there. The Flax Pond is in danger of
8 becoming a fresh water pond again. Maybe you can get
9 your shovel out and get some of that sand out of there.

10 MR. BROWN: Are you trying to get him
11 arrested?

12 MR. KAUFMAN: Wait until December 1st. I
13 have a dredge nearby you. Can highjack it.

14 THE CHAIRMAN: Stormwater annual report.
15 Emerson, when I see you, it reminds me of how rapidly
16 time is flying. You come annually and it seems like
17 you're here instantaneously since I last saw you.

18 MR. HASBROUCK: Time flies. This has become
19 a right of spring to come before the CEQ as part of the
20 stormwater process.

21 Thank you, Mr. Chairman, and thank you council
22 for allowing me to use this venue as an opportunity to
23 present our annual Phase 2 Stormwater Report and an
24 opportunity for public comment.

25 This program is supported by the quarter

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2 percent water quality funds, so I would like to thank
3 the legislative EPA committee, the full legislature and
4 County Executive's Office for support of this program.

5 For those of you that don't know me, my name
6 is Emerson Hasbrouck. I'm with the Cornell Cooperative
7 Extension Program. I have some of our other Cornell
8 water quality staff with me today; Mat Sclafani and
9 Mark Cappellino, Lorne Brousseau, Angel Dybas, and Eric
10 Bergy is with DEE and interacts and interfaces with us
11 quite a bit on this project.

12 Cornell Cooperative Extension is implementing
13 the full DEC-EPA required Phase 2 Stormwater Program for
14 Suffolk County. Part of that process is preparing an
15 annual report on what has been done during the previous
16 permit year. That just ended March 9th, as well as an
17 opportunity for the public to review that report and
18 comment on it. That is our purpose here today. Again,
19 I thank the council for providing us with the
20 opportunity.

21 I'm going to try to go through this relatively
22 quickly. Go through some of the highlights of the
23 activities that we have conducted during the year. Then
24 if there are any questions or comments, I'd certainly
25 like to hear them, and also our comment period is open

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2 through May 15th. People can comment through the
3 Website, Suffolk Stormwater.com or directly to our office
4 or to DEE. The activities under the stormwater program
5 are divided into six minimum control measures. I'm
6 combining a couple of those as we go through it.

7 Under public education, outreach and public
8 participation and involvement, during the past year we
9 reached over three thousand children and over a hundred
10 seventy-five adults through programs that we conducted
11 both in school and in communities. The focus, current
12 focus of the permit requirements through the Phase 2
13 program is to concentrate efforts in TMDL watersheds
14 that have a total maximum daily load, so seventy percent
15 of our youth class activity was in TMDL watersheds. We
16 modified our school presentations to include more
17 information on TMDL's, pathogens and nitrogen.

18 Three school district implemented TMDL's on
19 school grounds. Riverhead High School students put
20 storm drain markers on all the catch basins in the
21 school's parking lots. Rocky Point elementary students
22 put curb markers on catch basins in the elementary
23 school parking lot. And Cutchogue East Elementary
24 School actually created a green roof to a section of the
25 roof on the school.

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During 2009, our stormwater Website had over twelve thousand visitors. A new page addressing smart growth was added and a link to the stormwater management plan was added and updates were added to the page. The stormwater management update plan is an actual physical document that we put together for this program, and you can access that on the Web and there is also a physical copy at the -- DEE or DPW?

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THE FLOOR: Both.

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MR. HASBROUCK: In addition, two thousand five hundred fifty catch basins on county roads were marked with curb markers. That completed the marking on all catch basins on county roads in Suffolk County. We installed a total of twelve thousand fifty curb markers throughout the county. Those are the little plastic disks that we put next to the catch basins.

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We had a new PSA this year that was aired on two different radio stations. The focus of the PSA was fecal coliforms and nitrogen from pet waste and the PSA was run a total of two hundred sixty-four times.

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MS. VILORIA-FISHER: Can you say that again, was that TV or radio?

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MR. HASBROUCK: PSA radio, two radio stations.

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2 MS. VILORIA-FISHER: Cablevision didn't give
3 you any time for PSA's?

4 MR. HASBROUCK: No.

5 MS. VILORIA-FISHER: Hm.

6 MS. GROWNEY: There is also public access
7 television you might want to consider. They will run
8 things.

9 MS. VILORIA-FISHER: I think Fios is jumping
10 on trying to get people to do PSA's.

11 MR. BROWN: If you have basic TV you don't
12 get the channels. That is the trouble with public
13 access.

14 MS. GROWNEY: Each town has their own. You
15 have to contact each one, but each town does have its
16 own public access.

17 MR. BROWN: As long as you have more than
18 basic TV.

19 MR. HASBROUCK: I just heard my staff mention
20 something.

21 THE FLOOR: That is the initiative this year,
22 to do television PSA's. We are going to run through the
23 neighborhood journal and some cablevision stations,
24 through the towns.

25 MR. BROWN: You would think that would be on

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2 basic TV.

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MS. GROWNEY: Most of the public access channels cover local government too, so you have two ways of getting them if they have public access.

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MR. BROWN: It doesn't make sense.

MS. VILORIA-FISHER: In the messaging you were saying in the best practices for homes. My homesteaders task force developed a wonderful guideline that was put into people's water bills. That is a thumbnail sketch of how to use fertilizer and reduce your fertilizer. It was a nitrogen load reduction for homeowners, and we know that is a major issue in Suffolk County.

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THE FLOOR: Through the Water Authority?

MS. VILORIA-FISHER: Yes. I don't know if homeinstead assist is still called that in the county Website. But certainly the Water Authority Website can lead you to it.

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MR. GULBRANSEN: Sounds like you just updated your public contact statistics quite a lot.

THE CHAIRMAN: What is your recommendation with regard to your dog?

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MR. HASBROUCK: Pick up after your dog and don't put it in the catch basins. You'd be surprised

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2 that people think that is a proper receptacle for their
3 pet waste.

4 THE CHAIRMAN: Would you recommend putting it
5 in toilets?

6 MR. HASBROUCK: Mark has the specific
7 language.

8 MR. SCLAFANI: Bag it and dispose of it as
9 recommended by your local municipality.

10 THE CHAIRMAN: As solid waste?

11 MR. SCLAFANI: Right.

12 THE CHAIRMAN: So it gets incinerated and it
13 gets transported to Ohio.

14 MR. SCLAFANI: Maybe West Virginia.

15 THE CHAIRMAN: What does the county parks do
16 with their bagged waste from the dog runs?

17 MR. SCLAFANI: We just spoke with Nick
18 Gibbons on that recently. They have pet waste stations.
19 They have issues that result from that, which is lot of
20 times the bags get thrown in areas. It becomes a solid
21 waste problem and they have to deal with it. They have
22 mixed success with this. Some people even take the bag
23 and throw it in the water. They dispose of it; they
24 bagged it. It becomes a solid waste issue. It's not an
25 easy topic now.

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2 THE CHAIRMAN: You guys are going to be
3 pursuing this more as to what people should be doing,

4 MR. SCLAFANI: We're trying to work with
5 Parks on that a little bit more. That is a big issue
6 with that.

7 MR. HASBROUCK: It's an educational issue
8 with people in terms of what does proper disposal mean.
9 As Matt said, to some people throwing it in the water or
10 throwing it in the woods is proper disposal. They need
11 to be educated differently.

12 THE CHAIRMAN: Go ahead.

13 MR. HASBROUCK: Under illicit discharge.
14 Detection elimination. Each outfall was visited three
15 times to check for dry weather flow. Information such
16 as volume, color, odor, floatables, deposits and
17 turbidity were obtained at all dry weather outfalls. Of
18 those sixty-eight, forty-four outfalls with dry weather
19 flow were tested for illicit discharges. Water samples
20 collected at these discharges were tested for Ph,
21 temperature, surfacants, chlorine, potassium, nitrogen
22 fecal coliforms.

23 Luckily, no illicit discharges were found in
24 2009-2010 permit year.

25 MR. BAGG: I have a question on that illicit

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2 discharge. Basically you're testing for coliform and
3 stuff. I think people are pouring oil and everything
4 else down the drain.

5 MR. HASBROUCK: Some of that is in terms
6 of -- well, the illicit discharges are looking more for
7 a connection, illicit connection into the county's storm
8 system. People tend to dispose of things in drains that
9 they shouldn't. Those are more random events, but the
10 illicit discharge is more relative to a more permanent
11 connection. That is why the guidelines that were
12 established for that is to look for dry weather flow.
13 Dry weather flow is going to be indicative of an illicit
14 connection.

15 In terms of visual inspection in terms of
16 color, odor and even floatables, you will get a sheen on
17 the water. So our first visual inspection for those
18 will detect people disposing oils.

19 MR. GULBRANSEN: IDDE is illicit discharge
20 and disposal.

21 MR. HASBROUCK: Illicit discharge detection
22 elimination.

23 MR. GULBRANSEN: The way it was described for
24 us, hotlines for spill reporting was the way to do
25 disposal type things separate from the mapping and

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2 connections that Emerson is pointing out. There are two
3 different strategies to address it. You have done the
4 discharge part.

5 MR. HASBROUCK: Right.

6 MR. GULBRANSEN: There was a hotline that is
7 going to be implemented and available to others. Was it
8 the town or county?

9 MR. HASBROUCK: It's in our annual report. I
10 think there are two hotlines.

11 THE FLOOR: Department of Health has a hot
12 line.

13 MR. BROWN: It's probably a DEC hotline.

14 MR. HASBROUCK: The DEC has a hotline, but
15 the MS-4 itself the, municipality running the Phase 2
16 program has to have a hotline.

17 MS. VILORIA-FISHER: On Page 1 of six, are
18 those the two hotlines here, 249-1800?

19 THE FLOOR: One is the Health Department
20 phone line. I think there is also a DPW hotline. That
21 is more for flooding type issues. There are a number of
22 phone numbers. The report doesn't give you a chance to
23 define what the number is for.

24 MR. GULBRANSEN: Part of the reason for my
25 question is that the state is changing the form. The

1
2 state changed the thing around this year for the
3 better. It's a lot more about partnerships. It seems
4 to some people at the meeting you ought not have to have
5 sixteen different hotlines. If it's about a spill,
6 report it up some central place that catches the call
7 can reach out to one village or the town. So far, seems
8 even this year everybody is sort of chasing the hotline
9 thing by themselves.

10 Do you think next year there will be more
11 substantial effort to combine forces on a few of these
12 things?

13 MR. HASBROUCK: I hope. So there are a
14 couple of issues that we one run into. One is each
15 permitted MS-4 has to have a phone number for people to
16 phone in and contact as part of their requirements. Now
17 if you have an MS-4 where there is a cooperative
18 agreement amongst several different municipalities
19 combined, they can have one call-in number.

20 MR. GULBRANSEN: Your report seems to
21 indicate to me, we haven't gotten to that umbrella
22 operations yet.

23 MR. HASBROUCK: The way we have been directed
24 by Suffolk County, the county wants to be the sole
25 municipality in its MS-4. Without -- there is

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2 coordination amongst programs, but if you're going to
3 have several municipalities form an MS-4, there has to
4 be a formalized written agreement between the
5 municipalities to do that. With the county, again there
6 is cooperation, but is there not a formalized agreement
7 with other municipalities to it.

8 MR. GULBRANSEN: The county's approach will
9 remain that way?

10 MR. HASBROUCK: That is beyond our control.
11 We essentially do what the county directs relative to
12 that.

13 THE CHAIRMAN: Emerson, in your inspection of
14 stormwater facilities a number of years ago, the county
15 was putting in the swirl storm drains. Did you inspect
16 any of those?

17 MR. HASBROUCK: Actually, did the county
18 actually put in any storm receptors?

19 MR. BROWN: Vortex.

20 MR. BERGEY: We have approximately a dozen of
21 them installed currently at various locations, kind of
22 end of pipe applications. My name is Eric **Bergey**,
23 (phonetic) by the way, DEE, just for the record. We
24 have a regular inspection program. We have a crew that
25 we send around at each location at approximately six

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2 month intervals and track them through a database system.

3 THE CHAIRMAN: How do you find their
4 efficiency?

5 MR. BERGEY: Without actually taking water
6 quality samples at the upstream and downstream, which we
7 haven't had a chance to do yet. Unfortunately, staffing
8 is an issue, as you know. We haven't been able to do
9 that to that point.

10 I can speak to the amount of solid materials,
11 both floatable and sediment materials we have
12 collected. It's been pretty tremendous.

13 THE CHAIRMAN: Mechanically they still work?

14 MR. BERGEY: Mechanically, yes.

15 THE CHAIRMAN: How often do you maintain
16 them?

17 MR. BERGEY: On an as-needed basis, but we
18 inspect them every six months.

19 THE CHAIRMAN: Sorry, Emerson.

20 MR. HASBROUCK: That's quite all right. That
21 is what we are here for, is to receive input and
22 questions. I appreciate the input. No illicit
23 discharges were found during this past permit year. The
24 illicit discharge detection and elimination local law
25 passed by the legislature this past year was certified

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2 as equivalent to the New York State model law, which is
3 a permit requirement.

4

5 We have initiated one of the new permit
6 requirements, which is stormwater conveyance system
7 mapping, which ensures sewer shed delineation.

8

9 Eventually we will have a GIS map of not only all the
10 catch basins, how they're all connected under the
11 roadways and so forth, what is connected to what and
12 what discharges to where.

13

14 Under construction site runoff control and
15 post-construction site runoff control. A workshop was
16 given. Nineteen county employees and fifty-six
17 contractors were trained. Template and sample
18 stormwater pollution prevention plans have been updated
19 to comply with the requirements set forth in the new
20 general and construction activity permit. These
21 documents are available for projects conducted by DPW
22 staff as well as projects contracted out to
23 consultants. And DPW engineers and other staff are
24 referred to the best management practices outlined in
25 the New York Contractors Erosion and Sediment Control
Field Notebook for all Suffolk County projects where
applicable. This field notebook is also made available
to all construction inspection staff for their use.

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2 The final minimum control measure is pollution
3 prevention and good housekeeping. We conducted thirteen
4 stormwater management training programs for county
5 municipal employees. A total of sixty-seven employees
6 were trained and these trainings addressed Phase 2
7 stormwater program, stormwater pollution prevention,
8 spill prevention and response, proper pesticide ,
9 fertilizer application and winter maintenance of roads
10 and salt storage.

11 County maintained bridges roads and parking
12 lots were maintained. Approximately fifteen hundred
13 miles of road were swept during the year and three
14 thousand cubic yards of debris were removed. Four
15 hundred eighty catch basins were inspected and cleaned
16 and approximately four hundred yards cubic yards of
17 debris were removed. Stormwater brochures were
18 distributed to the two hundred Suffolk County Parks
19 employees to further educate them on stormwater
20 pollution.

21 That is the summary of our activities this
22 past year.

23 THE CHAIRMAN: Thank you. Questions?

24 MR. BAGG: I have a question. This doesn't
25 necessarily deal with the county. Apparently during the

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2 recent rains they had that flooding in Riverhead that
3 was supposedly coming off agricultural fields, I know in
4 the county up there, County Road 21 in Miller Place, you
5 had the sod farm and everything else that causes that
6 road to become a river in rainstorms. What is done to
7 control stormwater runoff from agricultural lands moving
8 through the system?

9 MR. HASBROUCK: A lot of municipalities are
10 working with individual growers and farmers to help
11 address that. Suffolk County Soil and Water
12 Conservation District works with farmers to help address
13 runoff from their farms as well as USDA, Alan Connell's
14 group. NRCS also works with farmers and growers to
15 reduce runoff coming from their property. Actually,
16 agricultural is exempt from many of the regulations
17 relative to stormwater issues, but still farmers try to
18 do what they can.

19 In this past stormwater event, that just
20 overwhelmed all different types of structures whether
21 they were municipal or best management practices that
22 agricultural put into place.

23 THE CHAIRMAN: One of the things that the
24 Long Island Sound Study promoted, particularly in
25 Connecticut, is the idea of putting buffers along

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2 farmland in that state. I think it's also been
3 extremely successful in the Susquehanna River Valley
4 with respect to improving the Chesapeake. Perhaps we
5 can explore that here.

6 MS. VILORIA-FISHER: We can talk about
7 that.

8 MR. KAUFMAN: One of the issues, at least
9 with the buffers, has been that many of the farmers have
10 been reluctant to give up significant acreage to
11 accomplish that kind of stormwater control to the extent
12 this takes away their farmable land and cuts their
13 profits. That has been an issue with the Susquehanna.
14 Any buffer is going to be helpful; five feet, ten feet,
15 whatever, but there has been some reluctance from the
16 farming community to do anything extensive to cut off
17 all flow.

18 I wanted to ask Emerson one question. I have
19 not had the opportunity to visit the Website recently,
20 Is there any kind of resource list on there for plant
21 types that might trap stormwater and nitrogen and things
22 like that; basically thirty plants?

23 MR. HASBROUCK: I'll defer to my staff on
24 that.

25 MS. DYBAS : There is a page on rain gardens

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2 and all the different plants that can be put into the
3 rain garden so it traps any runoff from the property.
4 There is a whole subset of pages on that.

5 MR. KAUFMAN: Is there a resource center
6 where you can find the plants as sort of a follow-up to
7 something Eva was talking about. Sometimes it's hard
8 to find certain types of plants.

9 MS. DYBAS : Locally?

10 MR. KAUFMAN: Locally or catalogues, things
11 like that.

12 MS. DYBAS : No. We have links to the
13 Brooklyn Botanical Gardens, but we could have something
14 up there that would have a link to where you can buy
15 these locally.

16 MR. KAUFMAN: That might be helpful. For
17 example, I have a pond on my property. I was thinking
18 about putting aquatic plants into it. I can't use
19 anything exotic any more, not that I ever did. That was
20 a long time ago before those particular regulations were
21 written. Before anyone knew anything. I did not know
22 that they were horribly invasive and things like that,
23 that they were with dangerous.

24 Nonetheless, I was looking for resources to
25 find the plants that are allowable. I know you have

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2 some of the task forces that you have worked with have a
3 list of the plants, et cetera. But it might be an
4 interesting thing for Cornell to duplicate that. Maybe
5 they can get it from those task forces. Again, I was
6 looking through it and I couldn't find it when I was
7 looking for stuff.

8 MR. BAGG: To pursue that agricultural thing,
9 we have a number of county roads that have problems with
10 agra land. We have a plan to refer them to soil
11 conservation or other entities that would help them plan
12 to get that runoff from the road. We actually
13 constructed recharge basins to handle the runoff from
14 farmlands at millions of dollars.

15 Do we have any procedures in place to notify
16 the adjacent property owners to inform them about
17 practices that they could implement to get that runoff
18 off the road system?

19 MS. VILORIA-FISHER: Can I jump in because
20 it's leading to my question. I'm sorry for the
21 interruption. One of my questions was going to be why
22 there haven't more linkage to the Soil and Water
23 District. I sit with Allen on some of the water and
24 soil district meetings. We work with the farmers and
25 try to remediate stormwater issues and I would like to

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2 see more of a linkage. I don't see any linkage in the
3 report with the Soil and Water District, and I think
4 that is a really huge problem because our efforts really
5 are moving so much in the same direction, and the Soil
6 and Water District works with the state and all these
7 different levels of government.

8 We bring in money from the different levels of
9 government to help the farmers remediate these issues
10 so, I believe we should have a much tighter linkage with
11 Cornell and what we are doing with Soil and Water. In
12 fact, I'm rather disappointed every year when we have
13 this public meeting, there is nobody from the public.
14 There is something wrong. I think you said this a
15 couple of years ago, there is so much information here I
16 feel like we're in this insider baseball, reading the
17 information rather than the public hearing about it. I
18 think this report should be publicized to everyone in
19 the county, to every town, to personally invite them to
20 come. It should be held in the media center. We should
21 have a PSA About the report coming out.

22 I just see too much duplication of effort.
23 There was a question asked by Mike, I'm sorry, I'm very
24 excited because I feel very frustrated. I sit here once
25 a month and I sit at Soil and Water once a month and I

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2 don't see the kind of networking that I feel should be
3 done because there is duplication of effort.

4 Michael asked a question about species. We
5 have a very active, through Soil and Water, Polly Wegan
6 has been working on the Long Island native grasses
7 program which is developing a better list of indigenous
8 species that could help address a number of problems
9 that we have with soil and water in Suffolk County. We
10 should have links that interconnect and overlap with
11 what we are doing here with Cornell Cooperative
12 Extension and what Soil and Water is doing. We are
13 doing a lot of the same work. I sit on both. I feel
14 like I'm a link but I don't see an official link and a
15 notice to the public that there is that link.

16 I think it has to be done by the agencies. I
17 think DEE should be doing it. I think that is who
18 should be doing it because DEE sits -- well, you don't
19 sit on Soil and Water, but certainly Soil and Water
20 really has the linkage to DEE. And I think that is part
21 of what DEE should be doing is interconnecting and
22 creating a web between all the entities. We are
23 duplicating efforts and I don't think it's helping the
24 public.

25

MR. KAUFMAN: Regarding the Farm

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2 Bureau. Farm Bureau is an excellent way of contacting
3 the farmers and trying to draw them even more into the
4 process.

5 MS. VILORIA-FISHER: Soil and Water is
6 working with the farmers. Cornell is working with the
7 farmers. The Farm Stewardship program, the stat AIM
8 program. Soil and Water is working with the farmers. I
9 think it has to be a county agency and I think it should
10 be DEE that should be doing it and I will contacting
11 Carey about that.

12 MR. BROWN: With the county farms that we own
13 the development rights, we can require farmers to put
14 birms in to stop the runoff.

15 MS. VILORIA-FISHER: That will go to
16 Mr. Isles because the county is trying to develop best
17 management practices for the farms. I have to defer to
18 Tom because it's such a complex program.

19 MR. ISLES: We can't require at this point at
20 the present time that a farmer put in something
21 affirmatively, such as put in a birm or catch basin.
22 The county purchases the development rights. The
23 property owner owns the underlying (inaudible). What
24 Legislator Fisher is referring to is a county program
25 that was put in for the first time that as part of the

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2 legislative intent of issues of best management
3 practices and so forth. They can be considered in terms
4 of future acquisitions and also considered in the
5 programs and practices current PDR.

6

7 It's a bill currently pending through the
8 legislature and going through some revisions at the
9 moment as we polish it up for consideration.

9

10 THE CHAIRMAN: Maybe somebody from Highway
11 would know about the county right-of-way.

11

12 MR. PICHNEY: It varies, considerably,
13 specially with the overruns.

13

14 MR. BROWN: It's normally six feet.

14

15 MR. PICHNEY: Some places where improvements
16 were made, it's done right up to the edge of the
17 property. They used up the road in terms of being
18 paved. You're talking about permeable surfaces?

18

19 MR. KAUFMAN: Given the way the county road
20 network was set up and given the additions, there is no
21 actual requirement that exists. There is no requirement
22 between the road bed because the road bed may have been
23 expanded over the years. It may have been at one time
24 permeable and impermeable. It's historical, is what it
25 really boils down to.

25

Newer roads will often have rights-of-way, if

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2 you will, and rights of access for the county. Older
3 roads generally will not. It's not like a village where
4 you sometimes have ten feet or something as a
5 requirement in subdivisions, so it's all over the
6 place.

7 MR. GULBRANSEN: This year you have nailed, as
8 far as I'm concerned, with the responsiveness to the
9 changing MSR, changing requirements. It's a little
10 discouraging that the strategy is stay with the county
11 scope and not branch out to the coalitions and written
12 agreements with other municipalities.

13 Be that as it may, would you consider
14 conducting some of the training programs in the coming
15 year beyond the DPW staff and beyond the county
16 employees? For example, would you consider having a
17 training program where you summarized what you are doing
18 to the municipalities that are MSR, responsible parties
19 within the county?

20 MR. HASBROUCK: Yes and no.

21 MR. GULBRANSEN: We hear from the state who
22 tell us the difference between the new rules and the
23 old rules. That is not that I'm talking about. Since
24 you implement, you can describe to the other
25 practitioners what works, where we could piggyback

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2 without having a coalition agreement. It seems like
3 there is an opportunity to leverage, borrow or benefit
4 from the good stuff that you do because I think a lot of
5 the other MS- 4's don't have the expertise and resources
6 that they can apply. I believe they could benefit from
7 your smarts.

8 MR. HASBROUCK: It's a restricted and
9 qualified yes. The reason I say that is because of in
10 terms of activities funded by the county, for us to
11 implement the county's Phase 2 program, it's relative to
12 county activity. In terms of interaction with other
13 MS-4's, we have to get permission from the county to
14 even give a presentation about what we have been doing
15 for the county. That doesn't mean that the answer is
16 no. We just have to ask. Sometimes the answer has been
17 yes and sometimes the answer has been no. So I can't
18 give a flat yes.

19 However, for most of us involved in the
20 stormwater program, our salaries are not fully paid for
21 by the county stormwater program. We do other things as
22 well. Some of the other things that we do is help
23 municipalities address environment issues, stormwater
24 issues, their MS-4 programs and so forth. We have been
25 working extensively with the Town of Brookhaven to

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2 assist them with their Phase 2 program. The Village of
3 Northport, the Town of Huntington, the Town of Southold
4 has approached us, so there are some opportunities.

5 Even within that reason, we can't utilize the
6 information we have developed with county funding or
7 talk about what the county is doing without specifically
8 saying we want to meet with such and such a municipality
9 and talk about the things we have done with the
10 stormwater program. So the decision is not mine, is
11 what I'm saying to you. I have to request that.
12 Sometimes we're told yes and sometimes we are told no.
13 We can do things outside the county program, but we are
14 limited to what we can talk about relative to the county
15 program without asking.

16 MS. VILORIA-FISHER: Thank you for the
17 report. I want to make sure you understand my
18 frustration. I see the good work that you are doing,
19 but I'm not seeing that enough people know about the
20 good work that you are doing. That is why I'm calling
21 on DEE to try to have more of a connectivity among
22 different groups who are doing good things so that the
23 word can get out there.

24 If I can suggest in the report where you
25 mention that you have gone to civic groups and have gone

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2 to schools, would it be possible to name those, so we
3 know while there was X civic group in my community that
4 has been visited, so legislators can look at this and
5 say none of my schools have been involved in this. If
6 they can be named in reports, I think that would be
7 helpful for us to identify where there might be a gap in
8 our districts where we haven't educated the people in
9 the district. The same with civic groups or chambers of
10 commerce where you go to speak.

11 MR. HASBROUCK: Several things. Yes, we
12 should be doing that. We have, in a way, been doing
13 that and we can do that. However, in the actual formal
14 report that we have to put together for the county to
15 submit to the DEC, there isn't the ability to do that.
16 They restricted the report to specific fill in the box
17 specifically.

18 MS. VILORIA-FISHER: In the box that says we
19 have visited several civic groups.

20 MR. HASBROUCK: I think we are limited to
21 characters.

22 THE FLOOR: It's a set form, a template. We
23 can't expand the box.

24 MS. VILORIA-FISHER: Why not see attached
25 list. It could be an attachment for us.

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2 MR. HASBROUCK: We do track our programs by
3 legislative district. We could provide you with a list
4 of those schools within your district where we went and
5 provided programs, as well as with adult groups and
6 civic organizations and so forth. We can do that. One
7 of the overall goals for Cornell Cooperative specific
8 with all of the programs is to do a better job of
9 tracking what we do by legislative district and provide
10 feedback to the legislators. Yes, we should be
11 providing you feedback in terms of what we are doing in
12 your district and well get that information for you on
13 that.

14 MS. VILORIA-FISHER: I have a community
15 gardens task force and we are trying to look at where we
16 have community gardens throughout the county. Carolyn
17 Kane, who is the master from Cornell, is on my task
18 force. What we have been doing is we have an attractive
19 map showing where there are CSA's throughout the county
20 and where there is community gardens, when we get the
21 information, we put it on the map. The Planning
22 Department is also helping with that. Nowadays, when we
23 have this technological ability, we can keep an organic
24 growth of the map to show what we have and where we have
25 it. Where you have had interaction with the community

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2 would be helpful for us to look on the map of Suffolk
3 County.

4 MR. HASBROUCK: One of the GIS layers is the
5 legislative districts. We can overlay that with other
6 maps and we can tell you how many miles of county road
7 you have in your district, how many discharges in your
8 district, from county roads to county properties. How
9 many dry whether flow, how many we have monitored and
10 yes, the educational programs conducted within your
11 district relative to interaction with, for instance,
12 Suffolk County Soil and Water Conservation District, we
13 do interact with.

14 We will make a concerted effort to interact
15 with them. For example, erosion and sediment control
16 training that we offered was actually a cooperative
17 effort with the district and the district took the lead
18 on that. We are trying to expand our cooperation with
19 the district and interact more.

20 MR. PICHNEY: I have a question for the young
21 lady about using plants to absorb pollutants. I'm
22 trying to understand the mechanism of it. I knew there
23 are a number of plant species, some of them not
24 necessarily indigenous, in addition to nitrogen will
25 draw up heavy metals and things like that. I can see

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2 with woody plants, some of that gets locked up into the
3 wood material and it's relatively long lasting. Even
4 woody plants drop leaves and herbacious plants
5 decompose. What happens, do these compounds somehow
6 about insoluable or made into different organic
7 compounds that are perhaps less soluable or have less
8 impact on the environment, or is it vegetation slows the
9 flow of nutrients into a system so it doesn't get
10 shocked?

11 MS. DYBAS: Initially the idea to is filter
12 out the water and the pollutants so they're not carried
13 into the surface water bodies. As to what happens to
14 different chemicals, I can't speak specifically. You
15 will have your soil organisms that will actually break
16 down some of the chemicals that do get brought into the
17 rain garden, yes.

18 The whole idea is to capture and filter that.
19 Soil is great for filtration and there are many
20 processes that occur in the soil that will break down
21 some of the chemicals. But the idea is to capture it.

22 MR. PICHNEY: There is a possibility that
23 something will return to the water but at a slower
24 rate.

25 THE FLOOR: There is a species consideration.

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2 Phragmites used to be considered a bad word. Now it's a
3 species to consider because it locks up nitrogen. It's
4 species specific, so it's a cutting edge topic in many
5 ways.

6 MR. BROWN: Aren't phragmites non-indigenous
7 to the area?

8 THE FLOOR: There is supposedly a native
9 species and there is an invasive species.

10 MR. BROWN: The problem is it's killing off
11 the spartina grass.

12 THE FLOOR: They can take over, but a lot of
13 it is also from small culverts and not letting enough
14 saltwater get in, so saltwater kind of got locked out
15 and phragmites pushed its way up. If you make the
16 culverts larger, you see that the phragmites kind of
17 dies back.

18 MR. BROWN: I'm familiar with that.
19 Basically they trap fresh water. They keep expanding
20 out to the point, then they end up killing everything
21 you have off like the spartina grass and --

22 THE FLOOR: Ten years ago you couldn't say
23 the word phragmites. Now some people are saying it
24 might have beneficial aspects, and one of them is
25 nutrients being locked up.

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2 MS. FISCHER: Isn't it the removal of some of
3 the plants in certain areas, so that you're taking them
4 out of the water body. You can replant and refresh. A
5 component of that would be it will actually pull some of
6 that out.

7 THE FLOOR: It's a tough thing to remove.
8 Deep roots.

9 MR. KAUFMAN: Matt, you have expressed
10 heretical views. Be careful if you see any stakes and
11 matches.

12 MR. PICHNEY: Are we about to close the
13 meeting, because I want to ask a different question.

14 THE CHAIRMAN: Unrelated to him?

15 MR. PICHNEY: Yes. This is a question for
16 the membership in general. Maybe Jim would know or
17 Loretta. We have been talking about Legacy Village and
18 so forth on the impacts and the development impacts
19 possibly of the county farm on the south side of Lower
20 Lake. There is a summer camp that has been there for a
21 gazillion years. I can imagine that hundreds, if not
22 thousands of children go through there every summer
23 swimming in the lake. You know little kids when their
24 kidneys hit cold water and so forth.

25 Has anybody examined in terms of the volume of

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2 waste that might be getting into lake just from that
3 single land use?

4 MR. KAUFMAN: Are you talking about the day
5 camp on the south side of Lower Lake? There are no
6 sewers in the area, so there has to be cesspools.

7 MR. BROWN: Who is doing a GEIS on this?

8 MR. KAUFMAN: No one.

9 MR. BROWN: It is going to be happening.

10 MR. KAUFMAN: That's outside the project
11 parameters. It's a heavy intensive use. Lower Lake is
12 still open to fishing and they hadn't detected a heavy
13 coliform count there.

14 MR. PICHNEY: Nevertheless, one of the things
15 brought up in public meetings were these blooms of
16 various types of vegetation in the lake that have been
17 strangling things.

18 MR. KAUFMAN: Let's make you the summer camp
19 inspector. You look into it.

20 MR. PICHNEY: My point only is we are talking
21 about Legacy Village as having an impact on the
22 watershed, perhaps a tremendous impact, and yet there
23 are uses within that watershed that go un-talked about.
24 That is all I wanted to say.

25 MS. GROWNEY: That is an important part.

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2 THE CHAIRMAN: CAC concerns, Steve.

3 MR. BROWN: I have to agree with Daniel in
4 terms of Legacy Village. I did send a letter with
5 regard to how the community on my board felt about it.
6 I have concerns about it. We have spent considerable
7 money with the county to buy a lot of land on the
8 river. And the county developed a map showing how many
9 years it's going to take for that pollution from any
10 development in that area to get to the river.

11 You have your own map that basically outlines
12 exactly what is going on. So, I think that when they do
13 the GEIS on it, everything has to be putting into effect
14 and take a look at it. What is it going to affect. How
15 is it going to change the community of Yaphank, that
16 lake being one of it.

17 There are so many things you talk about. You
18 can't spring up a city in the middle of a rural area
19 like that and expect not to hurt somebody. That is my
20 opinion.

21 MS. VILORIA-FISHER: Mr. Chairman, I just
22 want every one to know that I added a comment regarding
23 the scoping document that one of the things that wasn't
24 mentioned, this is going back to what you are saying,
25 Steve. The land that is county property does not permit

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2 the use of pesticides and fertilizers. When that is
3 surplus and sold, let's say you have an arena there
4 right in the watershed, what happens when they're
5 planting lawns and flowers and whatever else, the
6 vegetation that they might put up, and fertilizers?

7 My recommendation was if it were to be sold
8 and were to be developed, that we maintain the
9 stipulation that it maintain the kind of no pesticide,
10 no fertilizer, increased introduction of nitrogen there,
11 keep it to how the county had to maintain our level;
12 otherwise, that would be a great impact to that
13 watershed.

14 MR. KAUFMAN: Following up on what Vivian is
15 talking about, you have the Yaphank SGP in the area,
16 one. Of the critical issues, as far as I'm concerned,
17 in order protect the Carmens, if development ever
18 occurred in that area, you upgrade from secondary to
19 full tertiary, you upgrade to capacity. It's going to
20 have a groundwater discharge hopefully within the DEC
21 limits. That will eliminate a lot of discharge into the
22 Carmens.

23 Secondly, if you have stormwater controls in
24 there running with the land, however it gets organized,
25 that is another way of controlling it. The point is,

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2 there are a number of methods of controlling nitrogen
3 impacts and any other kind of impacts from groundwater,
4 stormwater.

5 MR. GULBRANSEN: Conceptually.

6 MR. KAUFMAN: That is something probably that
7 would be required. That is the kind of thing that we
8 can orient towards. That is all. It's not part of a
9 contract with the developer or anything like that. But,
10 in my opinion, it could be required as a mitigation
11 measure in any EIS. Frankly, I think the developer
12 would be delinquent if he did not pay in some money to
13 make that a tertiary plant and expand capacity. That is
14 what happened in the past.

15 MR. BROWN: I think it's calling for a sewage
16 treatment plant. Bottom line, it wasn't that long ago
17 that we were sitting here talking about them opening it
18 up to a scavenger waste site. They were going to drill
19 a hole into the aquifer and dump raw sewage into the
20 water. I don't think most people, including myself, are
21 comfortable working out a deal with somebody out
22 there --

23 MR. KAUFMAN: That is a policy that you at
24 Brookhaven can make and express. We can put in
25 recommendations in terms of mitigation and in terms of

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2 development of an EIS. That is how far we are allowed
3 to go.

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MR. BROWN: That is my recommendation, if
5 they're going to do a EIS on it, which they are required
6 to do, we make sure all the things we talked about,

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MR. KAUFMAN: I think we are all on the same
8 wavelength.

9

MS. GROWNEY: Monitoring systems too.

10

MR. PICHNEY: Has there been any talk of
11 reducing the scope of the project or rearranging the
12 land uses? The legislator might know. As an
13 informational thing at the fall public meeting, I
14 mentioned the idea of the stadium being at the north end
15 there by the Expressway the cutting down of the wood
16 buffer there next to the cemetery. I suggested that
17 perhaps the stadium, if it were still to be built, could
18 be located closer to the landfill in Brookhaven. I
19 think that would reduce traffic impact, spread out the
20 traffic a little bit more from the Expressway and allow
21 access from Horse Block Road and Sunrise and prevent the
22 light pollution and impact of automobiles on the
23 historic district, in addition to scaling back some of
24 residential development. I think that is quite
25 significant.

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2 At all the public meetings, all they have been
3 talking about, parcel A, B, C and D with these
4 designated land uses, but I never hear any comment made
5 about how this might be reduced or moved around to
6 alleviate some impacts.

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THE CHAIRMAN: They are required to look
alternatives.

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MR. KAUFMAN: That is where SEQRA kicks in.

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MS. VILORIA-FISHER: CEQ made a decision
regarding the whole project. Tom can help me if I'm
going in the wrong direction on it. Right now what is
before the legislature is simply appropriating the money
for the Environmental Impact Study and Statement. So,
that what is what is before us right now. Right now,
any change in the configuration of the plan isn't what
we are deliberating. There could, down the road, be
changes. That is part of looking at alternatives, that
portion of what we saw in the scoping statement.

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But, as of this point, the only thing that we
are voting on is that four hundred eleven thousand
dollars for the consultant to do the study. But I
believe Tom, first we vote on this, then it's well after
the EIS is done that we begin to look at any kind of
change in configuration.

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2 MR. ISLES: Exactly. Two comments. One, the
3 purpose of the EIS process is to gather information, so
4 you will have facts and information in front of us and
5 the legislature which will help us make good decisions,
6 before we are specifically -- in terms of the money, we
7 started the scoping process. Once we finish it, that
8 will be sent to the CEQ in terms of what should the
9 county be studying. You will be part of that. That
10 will ultimately go to the legislature and that will be
11 decided.

12 Once that has been decided, what is the scope
13 of the examination of the project, what is the whole
14 ball of wax? The process will then give information,
15 what are the impacts, what modifications should be
16 considered, what are the alternatives to this action and
17 ultimately get into findings, which may be something
18 different than what has been proposed.

19 Let me close by saying once this process gets
20 done, the legislature issues findings and authorizes the
21 property to be surplus and contracts it. Then
22 commences a process with the Town of Brookhaven on
23 zoning and land use, which is typically a multi-year
24 process as well. We are just at the beginning of this.

25 MS. VILORIA-FISHER: I should let you know

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2 what happened at the general meeting. As you know, I
3 had tabled the appropriation of the money in committee
4 because there was no -- I was rather astounded to have
5 an attorney tell me that there was a commitment by the
6 developer to reimburse the county for the money, but it
7 was not a written commitment. So I thought was rather
8 an amazing thing to say. If my lawyer at a closing said
9 to me here, put out four hundred eleven thousand
10 dollars, and the other party said he will reimburse you,
11 but whoops, I don't have it written, I think I would
12 fire that attorney.

13 I made a motion to table which was carried by
14 my committee. However, the committee process was --
15 there was an end run around it by a discharge petition
16 signed by ten legislators, sponsored by the presiding
17 officer. He felt that he didn't want to hold up a
18 project that would put people to work. My contention
19 was we are not going to see a shovel in the ground for
20 many years. My other thought was that four hundred
21 eleven thousand dollars was a lot of money and I'm not
22 sure it should be that expensive, but I'm told by people
23 in administration whom I have come to trust are telling
24 me that this kind of large project requires that level
25 of money. I don't know enough consultants to get enough

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2 information on that.

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4 But I was very concerned at the general
5 meeting that Mr. Isles was not there. That is not what
6 concerned me.

6

7 MR. ISLES: I was there a little bit later
8 when it came up on the agenda.

8

9 MS. VILORIA-FISHER: They had to call for him
10 because I had questions and I had a lots of Post It
11 notes and a lot of highlighting throughout the scoping
12 document. When I asked a member of the administration
13 if I could ask questions, he said "I haven't read the
14 document." There were two other members of the
15 administration who also had not read the document, which
16 led me to ask has anyone else in this auditorium read
17 this document. Michael wasn't there that day. No one
18 else had read the document. So there was no one to whom
19 I could address my questions.

19

20 They were making frantic phone calls for Tom
21 Isles to come because we know that Tom Isles read the
22 document. I was frustrated that we should be asked by
23 an administration to appropriate four hundred eleven
24 thousand dollars, and no one in their shop read the
25 document. It wasn't that long and it wasn't that
technical. I could understand it. The public comment

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2 period was still open and we were being asked to make a
3 decision, so I made a motion to table, which only got
4 nine votes, so my motion failed. The presiding officer
5 proffered a motion to approve, and I was the last vote
6 on that. Being the deputy presiding officer we vote
7 last unless you made the motion, then you vote first.
8 When it came to me, had I voted no we would have killed
9 the resolution. I felt that as a member of CEQ and CEQ
10 has asked for an EIS, I didn't feel it appropriate for
11 me to kill the resolution to appropriate money to do an
12 EIS. I felt that was contradictory.

13 So I made a motion. So you know the
14 parliamentary procedure, once your motion fails you
15 can't reintroduce that motion unless you make a motion
16 to reconsider, and I was on the failing side, but I made
17 a motion to table to a date certain, so I made a motion
18 to table to the May 11th meeting. It will be before the
19 general meeting of legislature on May 11th to consider
20 appropriating that money. I feel CEQ asked for an EIS.
21 We need to know what the ramifications are. We need a
22 scoping on it. There are some parts of the plan that we
23 feel should go forward and perhaps some parts should
24 not. People can whisper in my ear if you have some kind
25 of idea of whether four hundred eleven thousand dollars,

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2 off the record, you can talk to me and say to me boy, we
3 are being really robbed or not.

4

I think at this point I'm not getting any
5 contrary opinions on the cost of it. That is what we
6 are talking about now.

7

MR. PICHNEY: Usually anything below five
8 hundred thousand dollars is reasonable for an
9 environmental study. That's the bottom line.

10

THE CHAIRMAN: I thought this was just a
11 literature review. They're not going out spending money
12 collecting real data.

13

MS. VILORIA-FISHER: I don't think that's
14 quite correct, because I asked that question, is this a
15 literature review. I was told on the record that there
16 was more analysis required. It looked to me when I read
17 the scoping document, well, the county has already done
18 the study, and I read the study and there are a number
19 of different studies referred to in the scoping
20 document, and I said it looks to me like a literature
21 review, and Chris Kent, who by the way did read it, but
22 he wasn't in the room when I asked the question, he came
23 by and said there was more analysis than just a
24 literature review.

25

MR. ISLES: There is traffic analysis. We

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2 are tapping into information from County Health
3 Department, some recent data collection plus the
4 modeling groundwater flows, using their data, also in
5 terms of Phase 1 and environmental assessment. That is
6 a literature review, soil and vapor sampling,
7 vegetation. There is quite a bit of actual new data
8 that is going to be part of the contract with this new
9 entity as well as existing literature.

10 MS. VILORIA-FISHER: Chris Kent put that on
11 the record.

12 MR. GULBRANSEN: In the communications that I
13 was reviewing for today's meeting, there were other
14 discussions mentioned about who should pay for it. Some
15 people say the developer should pay for it because it's
16 in their interest. Is there a choice that this body can
17 inform with regard to who should pay for the conduct of
18 the study while it's going on?

19 MS. VILORIA-FISHER: I don't really believe.
20 I believe that is a policy issue. I believe that is in
21 the appropriate place, which is the legislative body. I
22 have read the commitment document at this point. Of
23 course, understanding that the developer is committed to
24 reimbursement, but there are certain restrictions. If,
25 in fact, it doesn't meet approvals and he can't move

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2 forward with any level of the project, he's not going to
3 do the reimbursement. The contract isn't completed,
4 which makes sense, I think.

5 MR. GULBRANSEN: I'm not sure it does. My
6 point is not to consider whether they should pay or
7 not. With regard to your earlier question, is four
8 hundred something thousand dollars is enough or not. I
9 can't be quoted although, I do work for a company that
10 does these kinds of studies.

11 MS. VILORIA-FISHER: You can tell me off the
12 record if you're not comfortable.

13 MR. GULBRANSEN: It would be interesting to
14 understand what status of the water body -- Carmens
15 River is a water body that we heard about potential
16 impacts, if it has a certain status to be protected to a
17 certain level. Michael mentioned mitigation, mitigation
18 to what level?

19 MS. VILORIA-FISHER: Isn't what what he was
20 talking about before, about kids peeing in the lake?

21 MR. GULBRANSEN: There is a related change in
22 the status of some of the other water bodies. If not
23 the Carmens, it's a tributary to a larger body. If that
24 larger water body status changes, then the EIS
25 comparison, what is enough, what is not enough, that

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2 would also perhaps change.

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MR. KAUFMAN: That is part of the scope.

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That is what we have to exactly look at.

5

MR. GULBRANSEN: My question for today is how does this body have anything to do with that comparison?

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If they ran the EIS today, they would not be compelled

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to necessarily compare a listing that might occur a year

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from now. If we waited a year, we might have a

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different comparison to do. It's a question of whether

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this body has any say in --

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MS. VILORIA-FISHER: You have confused me.

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Let me go to Jim because he comes to my environment

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committee. Explain it to me.

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MR. BAGG: I think what is trying to be said,

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it depends on what the classification is and what the

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requirements of limiting requirements are in terms of

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nutrient inputs and things into the river system. One

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of the things that people have to realize if the

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proposed development is connected to the sewage

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treatment facility and if they require tertiary

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treatment, most of those impacts are not going to be in

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the freshwater part of the river. It's not going to be

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north, it's going to be to the south, into the S stream

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part of the river.

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2 Whatever the potential impacts from nutrients
3 and other factors is going to depend on what is the
4 existing parameters of the existing water quality and
5 whether or not they will be exceeding them, and also
6 what are the parameters that the state is saying should
7 be adhered to in those bodies.

8 MR. GULBRANSEN: The state isn't continuously
9 updating.

10 MS. VILORIA-FISHER: This isn't my field so
11 bear with me because I'm confused. My understanding of
12 an EIS is you look at what currently exists and have
13 some kind of qualitative or some kind of measurable
14 description of what exists now in the water body and you
15 you say well, if this projects occurs, it will have this
16 impact. Isn't that what the EIS does?

17 MR. GULBRANSEN: Your starting conditions,
18 your baseline, your no action condition.

19 MS. VILORIA-FISHER: You have to know the
20 baseline.

21 MS. GROWNEY: It changes.

22 MR. GULBRANSEN: My understanding is that the
23 current baseline might not sound too bad, it might sound
24 like the river is in a certain quality of habitat and
25 livability. There will be, in the upcoming listing,

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2 there there will be a new list. Every two years the
3 state updates the listing to see if they're impaired.
4 The feedback that we got during the meeting that we held
5 from some of the people that spoke to us stated that the
6 water body, Carmens River and certainly part of the
7 Great South Bay might soon be designated as more
8 impaired than we thought, so the DES baseline and EIS,
9 how much change is too much.

10 The amount of change that you would tolerate
11 would probably be less if the water body is impaired.
12 If the water body is healthy, it can tolerate more
13 change. The question I have with regard to the EIS, can
14 we advise that comparison or do we have to say it is
15 what it is right now?

16 MS. VILORIA-FISHER: Did you suggest that
17 during the comment period?

18 MR. KAUFMAN: No, it's done at a different
19 time. If I can jump in. I had some experience with
20 dealing with these documents. That is the purpose of
21 CEQ, to essentially run the process and present a
22 complete path to the legislature for final decisions.
23 We run the process in association with the executing
24 unit. If we have those concerns, we put that into the
25 scoping document, the final scope. We are up to a draft

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2 at this point and received preliminary public comment.

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4 We are the ones who approve the final scope.
5 The GEIS is directly based upon that final scope. If we
6 know the issue exists, we deal with it. We have to have
7 the baseline; that is a given. If we know stuff is
8 coming up, you put it into the report and deal with the
9 issue. It's that simple. Before we turn it over to the
10 legislature, we have to have an answer or we betray our
11 oaths of office if we don't have an adequate answer or a
12 route to go where we need to go.

12

13 That is our job, to deal with those precise
14 issues. If the feds or whoever declare Great South Bay
15 to be a cesspool and the only way to protect it is to
16 chop off all nitrogen coming from Carmens, theoretically
17 this would never go if an ounce of nitrogen from this
18 project hit the Carmens.

18

19 MR. GULBRANSEN: We as a body aren't finished
20 yet.

20

21 MR. KAUFMAN: We are just at the start of
22 it. The tertiary stuff that I keep on talking about,
23 that will be a primary recommendation of myself at a
24 minimum and will drive to have that placed in any plan
25 as prime mitigation. This island is no longer able to
handle groundwater pollution that much any more, we have

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2 to go to tertiary. It has to meet the limits, and if
3 DEC drops the limits, we have to take that into account.
4 We are the ones that have to do that and give it to the
5 policy makers.

6 This is the critical thing. We are not making
7 policy when we do this, we were making environmental
8 judgements and we are using our skills to write a
9 document for the policy makers.

10 THE CHAIRMAN: Off the record.

11 (DISCUSSION OFF THE RECORD)

12 THE CHAIRMAN: I had a discussion with Steve
13 Fiore Rosenfeld and I asked him what the town was
14 thinking about this particular issue and to Tom and
15 Vivian his reaction absolutely floored me, that was we
16 heard nothing from the county. I can't believe that. I
17 think he said that publicly. I think if the perception
18 is out there that the town is denying that the county is
19 communicating with them, that this ought to be put to
20 bed and made clear that the town, you have attempted to
21 bring the town into the process.

22 MS. VILORIA-FISHER: Yes.

23 THE CHAIRMAN: And not have them say the town
24 is officially being blindsided.

25 MS. VILORIA-FISHER: I think Tom can speak to

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2 that. Certainly I know that the county has reached out
3 to the town. At the CEQ meeting where we Pos Dec'd
4 this, there were people that said that the town had not
5 been informed of anything. Tom, I'll hand it to you.

6

MR. ISLES: We will start with the notice.
7 The town chose not to come to the meetings.

8

MR. BROWN: If you read Newsday.

9

MS. VILORIA-FISHER: There have been public
10 hearings.

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MR. ISLES: Although there were three public
12 hearings held with over two thousand people. There were
13 two legislatively appointed citizen advisory groups that
14 held twenty some odd meetings. The town was part of
15 that, the town planning director as well as counsel
16 After that, when we got into the RFP process, Jim Morgo
17 conducted a working group with the town, which included
18 the town supervisor and town representative Connie
19 Kempert.

20

There have been numerous coordination with the
21 town or attempts at coordination. I had conversations
22 with the town planning director. Certainly that has
23 been done in the past. Certainly if there is an
24 interest in doing more and better communication, I
25 believe that the administration would be open to them.

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THE CHAIRMAN: I would suggest go on the offensive. Next time there is an article in the newspaper say you dropped all this stuff on the town.

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MR. BAGG: Nobody responded.

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MR. ISLES: We all have a certain amount of cynicism on government. Are we on the record? At times. I'm not sure where it's going to lead into the department role, where we are going, but it will be a professional process. There will not be a predetermined outcome. I don't know what the outcome will be. I don't know if it's going to be acceptable to the decision makers. The process will be an independent process and that much I will stand behind.

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MR. BROWN: It has to go to the town anyway. I don't know what Steve was talking about.

THE CHAIRMAN: Off the record.

(DISCUSSION OFF THE RECORD)

THE CHAIRMAN: Motion to adjourn.

(Following a motion and second, the hearing was adjourned.)

(Time noted: 12:45 p.m.)

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CERTIFICATION

STATE OF NEW YORK)

)

ss:

COUNTY OF SUFFOLK)

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
Planning meeting held on April 20, 2010.

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

IN WITNESS WHEREOF, I have hereunto set my
hand this 16th day of June, 2010.

Judi Gallop
JUDI GALLOP