

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, May 19th, 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, May 19th, 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>

Correspondence:

Media Advisory concerning Legislator Schneiderman's Legislation expanding CEQ's functions to include advising on Suffolk County Bike Routes

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 April 27, 2010 and May 11, 2010.
- B. Proposed Expansion of the Pavilion at Cupsogue County Park, Town of Brookhaven.

Project Review:

Recommended Unlisted Actions:

- A. Proposed Sale of the John J. Foley Skilled Nursing Facility, in the Town of Brookhaven.
- B. Proposed Francis S. Gabreski Airport, Lease of Existing Airport Building, Joe Burns Contracting, in the Town of Southampton.

Project Review:

Recommended TYPE I Actions:

- A. Proposed Review of Cedar Point County Park Master Plan, in the Town of East Hampton.

Suffolk County Parks:

Updates on County Parks

Other Business:

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.**

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SUFFOLK COUNTY DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

100 Veterans Memorial Highway
Hauppauge, New York 11788

May 19, 2010
9:30 a.m.

MEMBERS PRESENT:

- R. LAWRENCE SWANSON, Chairman
- MICHAEL KAUFMAN, Vice Chairman
- HON. VIVIAN VILORIA-FISHER
- EVA GROWNEY
- THOMAS GULBRANSEN
- GLORIA G. RUSSO
- MARY ANN SPENCER

- JAMES BAGG, CEQ staff
- MICHAEL MULE, Planning Department
- CHRISTINE DeSalvo, CEQ staff
- JOY SQUIRES, CAC Representative
- RICHARD MARTIN, Historic Society Representative

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2 THE CHAIRMAN: I'd like to call the meeting,
3 Suffolk County CEQ, to order. Any comments on the
4 minutes that have been posted? Our minutes are not
5 here, so we will table that until next month.

6 Jim, do you want to tell us about
7 correspondence?

8 MR. BAGG: Something we put in your packet or
9 sent to you. We received a letter or media advisory
10 concerning Legislator Schneiderman expanding CEQ's
11 function to include advising on the Suffolk County bike
12 route. So I put that in your information. I think
13 since last year we have really been considering bike
14 routes on county roads. That is possibly the first
15 question that is asked of DPW, but I put it in your
16 information so that if you want to request anything
17 else, or if you think the process is working the way it
18 is, that is fine. But I figured I would give it to you
19 so that it's been duly acknowledged.

20 THE CHAIRMAN: Okay. Jim, one of the issues
21 I have with this is that it's not exactly clear to me
22 what Legislator Schneiderman really wants us to do.
23 Probably none of us here are really experts at
24 bicycling. Could you arrange to have me to get together
25 with Legislator Schneiderman, and I think Vivian, so I

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2 can talk to them about what they have in mind, have a
3 better idea of what I want to talk to the county people
4 about. If you could set that up, I would appreciate it.

5 MR. BAGG: Fine. Also I want to I say, I had
6 Christine collect information on all the town
7 comprehensive planned bike routes and everything, and I
8 did have a meeting with Mr. Hillman, chief engineer in
9 the Department of Public Works, and gave him copies of
10 those plans because Rich Machtay of the CEQ said there
11 is something in state law that says if you have a local
12 comprehensive plan that has bike routes or different
13 things in it, that another municipality must consider
14 that.

15 So that information has been given to
16 Mr. Hillman. They have been put on notice that if they
17 have a proposed road project that comes to CEQ, that the
18 CEQ is going to ask about bike routes, and if it's on a
19 master plan, they're going to have to respond to that.

20 THE CHAIRMAN: I would like to go ahead.
21 Jim, I want to introduce your replacement. I'm sorry to
22 say that you're leaving. I'm very pleased to introduce
23 Michael Mulé as our new assistant to the CEQ.

24 Mike, would you give us a little of your
25 background?

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2 MR. MULE': Sure. I have a Bachelor's and
3 Master's degree in Environmental Science and Management,
4 with a focus in wetland ecology. I've been with the
5 Planning Department for just about five years now in
6 their environmental analysis assessment, mostly working
7 on open space acquisitions and probably more
8 appropriate, coordinating the SEQRA review process for
9 the aquaculture program and dealing with the consultants
10 and work products of that nature.

11 THE CHAIRMAN: Welcome aboard.

12 MR. MULE': Thank you.

13 THE CHAIRMAN: We look forward to working
14 with you in years to come. I'm glad that you are going
15 to have a month or two to sit at Jim's elbow and see
16 what he does, what he has done. What he has been doing
17 is so outstanding for us; he keeps us out of trouble.
18 Historic trust.

19 MR. MARTIN: Good morning. I'd like to use
20 my time today to discuss a contract issue that we were
21 working on in the Parks Department. The packets that I
22 just handed out, the folders, we were approached by **Old**
23 Field Farm, LTD. We will quickly go through it. What
24 the request is from the Suffolk County **Parks**
25 commissioner is that we create a new contract with **Old**

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2 Field Farm. Their existing contract is a concessionaire
3 contract and essentially what we have is really a
4 custodial contract similar to our other custodial
5 contracts at our historic sites. The concessionaire
6 contract issued in 1996 didn't require them to restore
7 the facility; that was very much a priority of that
8 contract.

9 What they have done, they have done a very
10 good job at that goal. So the Parks Department would
11 really like to create a new contract similar to the
12 others. I'd like to show you some of the pictures and
13 that they have done. This was brought forward to the
14 committee yesterday at the meeting we had. They did
15 concur and approved it for our custodial contract. This
16 is part of the Historic Trust guidelines that the CEQ
17 approves that we have at the historic site.

18 THE CHAIRMAN: What are we being asked to
19 approve today?

20 MR. MARTIN: To approve **Old** Field Farm, LTD
21 as custodian of Old Field Farm. Sally Lynch is the lead
22 person here with her board, but I would like to flip
23 right to the picture. Of course they speak a thousand
24 words. If you look at the back of Figure 1, you see the
25 large main barn up top. These are all the before

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2 pictures on this page; the fencing and grandstand.

3 Just note this has been a partnership between
4 **Old** Field Farm and Suffolk County Parks from the
5 beginning. The county did fund a new footing at the
6 site and the fencing was also paid for by Suffolk County
7 capital funds, so we have been working very closely with
8 her. Also because of the restrictions of the covenant
9 that come from the deed for the Suffolk County community
10 fund that had owned the property originally.

11 She is only allowed to have six horse shows in
12 the summer season, so it's really not in the sense a
13 business or income producing site. It's really a show
14 ground, as it was, and it's really a labor of love.

15 If you look at the next page, you will see the
16 roof being redone on the main barn. This site is
17 eligible for the Suffolk County Historic Trust, but we
18 need to have a site visit to do an official
19 determination, but it's definitely eligible.

20 This building was done by architect Richard
21 Smith, who is also --

22 MS. VILORIA-FISHER: I'm sorry, Richard, can
23 you back up? I thought it was already part.

24 MR. MARTIN: It hadn't been officially
25 reviewed by the Historic Trust for designation. The

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2 reason for holding back on it, when the county bought
3 it, we were concerned about the viability of what this
4 site was. We just questioned what was viable here.
5 They are generic barn buildings; we just didn't know
6 what the direction was going to go.

7 Also, at that time, we didn't have the tool
8 that we have now to list buildings, which is what we
9 call contributing buildings. As you know, we created
10 that relatively recently, which gives protection to it
11 but it doesn't hold the county to it forever if things
12 change.

13 Things have changed with regard to how you run
14 a show ground. Sally has learned and we learned that
15 all the historic buildings are not viable for current
16 use. She has restored the main building. CEQ approved
17 in the past by a motion here that some of the buildings
18 can be taken down. She has used that to pull apart some
19 buildings and used the pieces for her restorations,
20 which we approved of.

21 If you go to the next page, you will see the
22 fencing and that she has today. They're simple
23 buildings. She followed the original design. She has a
24 lot of volunteers. Goldman Sachs has done a lot both
25 with volunteer time and funding. Even on the grounds

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2 there was a lot of -- that is the question -- how the
3 site was viable for a modern horse show grounds was a
4 question because of the location and water table, just
5 with different drainage which is done on site, not
6 drained off site. But the footing contains some
7 material that allows it to drain quicker to avoid
8 puddling, what you see here in the photos.

9 That was a problem with some of the shows.
10 She actually had to cancel some because of the
11 conditions. She really turned it around. It's a
12 partnership with County Parks.

13 On the next page you will see the difference
14 with the drainage project there. The following page you
15 will see a couple of buildings that again were coming
16 down that she restored. New gates she put in. She has
17 really been an excellent steward. At this point the
18 Parks Department is very happy to have her here.

19 We think it would be beneficial for her to
20 have a custodial agreement, really charge ahead with her
21 fund raising. When she started the project she didn't
22 have her 401 C(3) status as a non-profit. She has that
23 now so she can accept all donations. Her previous
24 contract has expired. We need to do a new one, and we
25 request that **Old** Field Farm be designated as a

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2 custodial.

3 THE CHAIRMAN: How long is the contract?

4 MR. MARTIN: They're five year contracts with
5 allowed extensions.

6 THE CHAIRMAN: We approved it in '96 and got
7 one extension?

8 MR. MARTIN: Yes.

9 MR. GULBRANSEN: Two questions. When we
10 talked about properties that the county has a
11 partnership responsibility with, we also talked about
12 the maintenance projections or potential costs. Is it
13 your sense that the renovations and restorations and
14 maintenance here are ninety/ten or we did some fencing
15 at the county level and much of it is being done through
16 fund raising and private donations.

17 MR. MARTIN: I understand your point. Here
18 there has been a lot of up front funding to bring this
19 facility to usable condition for the show grounds.
20 After that, it should fall off and she would be able to
21 maintain the majority on her own.

22 MR. GULBRANSEN: The second question I have
23 is about the facilities on the grounds for the people,
24 bathrooms as well the manure and animal waste.

25 MR. MARTIN: The manure issue was part of the

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2 contract. After six shows it has to be taken off site,
3 after the shows which she does. We are looking right
4 now at the county capital project to improve the
5 existing bathroom facilities for the daily usage. For
6 the special shows she has to bring the port-o-sans in.

7 MR. GULBRANSEN: The drainage has all been
8 taken care of?

9 MR. MARTIN: The extreme problems have been
10 taken care of. There are always going to be issues
11 there.

12 MR. BROWN: What about the drainage going
13 into West Meadow Creek?

14 MR. MARTIN: From the get go from the
15 original contract, she was not allowed to drain anything
16 into the creek. It all had to be contained on site.

17 MR. BROWN: She wasn't allowed, but they had
18 pipes going into the creek.

19 MR. MARTIN: The existing pipes? I think
20 some of those have collapsed. I'd have to check on that
21 to see if it's being used.

22 MR. BROWN: If they have collapsed, maybe
23 they should be taken out so we can completely stop
24 drainage into West Meadow Creek.

25 THE CHAIRMAN: I think we did. We got them

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2 to redesign the drainage.

3 MR. BROWN: Some of the problems they were
4 draining it directly into West Meadow Creek, and some of
5 it was they were draining some onto the road itself.

6 MR. MARTIN: I understand your point. I
7 thought it was taken care of.

8 MR. BROWN: We talked about this in the past.
9 The county bought it and gave a contract in 2000 --
10 1996. Nothing was done for quite some time. Some of
11 the buildings became dilapidated, were falling down,
12 they were dangerous. We pushed the Parks Department it
13 do something. Now we're at 2010 and just getting to the
14 point of --

15 MR. MARTIN: Some of the buildings, I know you
16 brought it up many times at the meetings, have been
17 restored by her, others are going to have to be cleared
18 by the site. Even the once that CEQ requested to be
19 removed a number of years ago, the county doesn't have
20 the funding to do so. That is the problem. She pulled
21 some of the buildings apart to reuse and the stable that
22 we are going to use for the classroom and improved
23 bathrooms, that will be a capital project. That will be
24 coming down in the near future. That is next to where
25 the apartment is.

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2 But we still have to pressure the county to
3 get the funding to clear that site. That is part of the
4 reason I think we are discussing now to have an historic
5 trust committee meeting on site so if we review that
6 whole site and give recommendations to CEQ, maybe we can
7 move it along.

8 THE CHAIRMAN: Isn't the county required to
9 conform to the EPA MS-4 program of stormwater runoff?

10 MR. MARTIN: I don't know all those issues
11 around that, so I can't say on this site what the issues
12 are relating to the runoff. These are like preexisting
13 conditions. Maybe Jim can expand on that.

14 MR. BAGG: The county hadn't adhered to the
15 program. We have an ongoing program with DPW and all
16 the departments. Maybe probably the Department of
17 Public Works can come out and look at the situation.

18 MR. MARTIN: **Nick** Gibbons, do you know
19 anything about the drains up there?

20 MR. GIBBONS: The short answer is yes, we are
21 required to apply. The long answer is we are dealing
22 with infrastructure that is many decades old. The
23 bathroom replacement project will address the on-site
24 sanitary system. We are coordinating that with the
25 Department of Public Health Services as well as DEC.

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2 The athletic turf areas, the horse ring is a
3 project we bought here to CEQ maybe seven, eight years
4 ago now that addresses the lion's share of the drainage
5 from the horse use areas. To our knowledge, we don't
6 have any direct discharge at this point from the horse
7 ring areas or turn out areas into the creek.

8 MR. BROWN: And the surrounding areas? Do
9 you have direct discharge from the surrounding areas of
10 the horse ring?

11 MR. GIBBONS: I don't know of any discharge
12 to the road. The vast majority of the property, we're
13 at a lower elevation than the town roadway, so I'm not
14 sure of any issues that way. What Richard was referring
15 to is a lot of the pipe in that area is either clay,
16 orange bird; it disintegrates over time. I think we
17 installed a fence last year and poked a couple of holes
18 in areas that we didn't know was pipe. We saw water
19 coming up from the ground and addressed it on the site.
20 The road I'm not familiar with.

21 MS. GROWNEY: Richard, it's always wonderful
22 to hear your reports because these are very special
23 things that you are talking about and I think it's a
24 great pride to the county, all the work that gets done.
25 I want to thank you. I also want to ask, since I'm not

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2 familiar with some of the things CEQ did in the past
3 with this, was there ever any kind of study done on the
4 land itself, any engineer's report that shows what the
5 inventory is on the site? I don't know if you know of
6 any.

7 MR. GIBBONS: An engineering study.

8 MS. GROWNEY: To show the drainage issues.

9 MR. GIBBONS: We did an analysis when we did
10 the horse ring. It's a very sophisticated drainage
11 system. It was designed by what I believe is a well
12 reknown architect in these type of structures. We
13 looked at tying in, as we go around and correct the
14 drainage problems, tying into the system which is the
15 newest and best thing we have on site. We have been
16 told it has the capacity to handle that water.

17 MS. GROWNEY: There has been some assessment
18 that is documented?

19 MR. MARTIN: Each project.

20 MS. GROWNEY: Nothing comprehensive has been
21 done?

22 MR. MARTIN: No.

23 MS. GROWNEY: It might be something to
24 consider.

25 MR. GULBRANSEN: I'm not entirely certain of

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2 the jurisdiction or distinction that needs to be made,
3 but I believe there is one to be made. Drainage,
4 stormwater runoff and waste facility capacity is a
5 different topic from high tide. There are some issues
6 with the road out around that farm. That is salt
7 water. I think by definition that volume and obligation
8 to deal with that volume is not subject to MS-4.

9 I would suggest that care be taken when the
10 upgrades are done, the upgrades to the bathroom facility
11 will probably be MS-4 obligation.

12 MR. MARTIN: It's just a one stall bathroom.

13 MR. GULBRANSEN: As to the water that is
14 there and what can be done with it, let's make a
15 distinction between stormwater runoff and high tide,
16 which comes right up, and the vegetation in the street
17 indicates that it's not wholly stormwater.

18 MR. KAUFMAN: Partly to answer Eva's
19 question, there is a tremendous amount of local
20 knowledge at the table of the conditions over there,
21 and also institutional knowledge. When the farm was
22 being set up back in the 1990's, I know a lot of people
23 around this table looked at it very closely.

24 For example, our chairman has done a large
25 scientific study of West Meadow Creek and knows how it

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2 functions. Steve Brown and I both dealt with a lot of
3 the tide issues over there. There is a lot of
4 information about how the drainage would work because we
5 were concerned about the drainage issues. Rich Martin
6 was sensitized to that fact a long time ago and great
7 care has been taken in terms of containment and how to
8 deal with West Meadow, both in terms of horse manure and
9 waste drainage, et cetera.

10 While there are local problems in the area
11 simply because of high water tables and the way the
12 tides work and being the head of West Meadow, those are
13 mostly contained. I don't think we are seeing any giant
14 pollution problems or anything like that at this point
15 in time. It's been pretty well engineered. That was a
16 very jumpy issue when we were dealing with it.

17 THE CHAIRMAN: Dan and Vivian.

18 MR. PICHNEY: You might have already answered
19 the question. Tom brought up about hauling away the
20 manure and so forth. Very often the nitrogenous waste
21 would go into the soil and be absorbed. Is there a
22 sufficient quantity of that, being there are no horses
23 boarded there and there are only six shows a year; is
24 that a possible concern?

25 THE CHAIRMAN: I don't think that would be an

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2 issue.

3 MS. VILORIA-FISHER: This is moving into
4 another subject regarding **Old** Field Farm. I saw in the
5 capital budget that it was zeroed out this year, that
6 seven hundred thousand was requested, but it's not
7 recommended.

8 MR. MARTIN: This year or the past couple of
9 years, we do have an existing capital fund of two
10 hundred thousand dollars there which are looking to
11 proceed with the new septic system. Then we would like
12 to get additional funding to rebuild the stable which
13 was approved here a number of years ago for the
14 learning, for the classroom space.

15 MS. VILORIA-FISHER: Can you just let me know
16 what the amount is on that, because I did see it was
17 zero.

18 THE CHAIRMAN: Any other comment? Do you
19 have a -- we have a request before us to modify the
20 leasing arrangements. What was the term used again?

21 MR. MARTIN: Custodian. It's really just to
22 designate this group as the custodian of this site.

23 THE CHAIRMAN: Do we have a motion to approve
24 custodial arrangement?

25 MS. VILORIA-FISHER: I'll make a motion.

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2 MS. GROWNEY: Second.

3 THE CHAIRMAN: Any further discussion? All
4 in favor? Very good.

5 MR. MARTIN: Thank you. Just a quick comment
6 on current events. If you saw in Newsday the past week
7 there was an article on the Helen Keller house out in
8 Southold. I want to give you a brief background on
9 that, that it was acquired by the county in 1965 with
10 the acquisition of Cedar Beach. It was used by the
11 community college and marine center as a storage
12 building for two decades.

13 When the building fell into disrepair, it was
14 turned over to the Suffolk County Parks Department in
15 1986. That is when I started working here. It was
16 asked that it go into the landmark program or housing
17 program, our housing program. At that point, the
18 committee took a look at the site and thought that it
19 did not qualify to go forward as a Suffolk County
20 Historic Trust property, but concurred on the
21 recommendation of putting it into the housing program.
22 And it was run by the Friends of the Long Island
23 Heritage.

24 The building was too far gone in 1986. They
25 did not have the funding to renovate the building for

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2 housing. It has been in existence like that since that
3 time. Right now, half the building has completely
4 collapsed in on itself. We were preparing to take the
5 building down. We also had initiative to take the
6 building down in 2002 when someone stepped forward in
7 the community to try and save it.

8 Nothing was done from 2002 until today to get
9 any community support to do so. Right now, we do have
10 a student that has approached the county, and his
11 mother, Mrs. Kennedy, has called us to try to save the
12 building. We don't have the resources to do that. At
13 this point, it would be a complete reconstruction and
14 the Historic Trust Committee did review this issue again
15 yesterday and concurred that it still is not eligible
16 for the county historic trust program.

17 Also, New York State Office of Historic
18 Preservation has recently reviewed the site at the
19 request of Mrs. Kennedy to nominate it to the National
20 Register, and again said the condition of the building
21 and minimal relationship to Helen Keller, who only
22 stayed there in a partial rental time period in the
23 summer of 1936, did not qualify for that status.

24 We appreciate the history. The Parks
25 Department is proposing that we have some sort of

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2 signage or memorial at that site as a possibility to
3 acknowledge the history of the site, but to reconstruct
4 the building. It's not possible to restore it now. We
5 don't think it's viable, especially since it's not a
6 county historic site.

7 MS. VILORIA-FISHER: There is a resolution for
8 four hundred thousand dollars that is before the
9 legislature, and I think there is only one wall that is
10 stable.

11 THE CHAIRMAN: It's in your recommendations.
12 It's 1585.

13 MS. SPENCER: Larry, the Suffolk County
14 Historic Trust Committee considered the Town of Southold
15 cottage where Helen Keller spent some time one summer,
16 along with so many others. They were impressed with the
17 interest shown in the history and effort to research and
18 conserve something that he values. Although the
19 committee cannot, in good conscience, recommend
20 restoration of the house, they do hope that some fitting
21 monument or memorial can be erected on the site.

22 This was not the first time that the committee
23 reviewed the structure. In the past, the committee
24 determined that the house was not worthy of
25 preservation. It was not recommended for dedication for

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2 listing on the Suffolk County Historic Structures
3 inventory, and there were no objections to its
4 demolition.

5 After further review, the committee reaffirms
6 its previous opinions. There are over one hundred
7 county owned historic structures that have been
8 dedicated and listed and therefore deemed worthy of
9 preservation. The committee and CEQ have consistently
10 brought the ongoing needs of these important sites to
11 the attention of the legislature. Funds for historic
12 preservation also falls short of the need in these
13 times. The needs are greater and the funds fewer.

14 We urge that the legislature do what it can to
15 preserve and maintain the historic structures that they
16 have dedicated.

17 MS. GROWNEY: I really like the idea of doing
18 some sort of monument. I also wondered if there was
19 another keepsake that there might be of the property
20 that could be displayed somewhere, in a local museum or
21 something else of significance.

22 MR. MARTIN: We are discussing that and the
23 Southold Historical Society would probably be the place
24 to work with on that. Of course, realize this was just
25 a summer rental; it was not her house. In the articles

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2 you are seeing, they do mention that they were there in
3 the summer of 1936 and it still states it was the Helen
4 Keller house. At that time, she lived in Forest Hills
5 and owned a house with Ann Sullivan. The house she
6 owned with Ann Sullivan and her birthplace home in
7 Alabama is run by a private foundation open to the
8 public and on the National Register. There are five
9 houses that she was directly related to in the sense of
10 ownership. This was not one of them.

11 THE CHAIRMAN: Anything else, Richard?

12 MS. VILORIA-FISHER: Can I say something
13 about historic services? I don't know if the members of
14 CEQ are aware, but in last year's budget, the historic
15 services expenses are being paid for through the
16 hotel-motel tax, so their budget within the department
17 was depleted. They have no budget. They're dependent
18 on the hotel-motel tax rather than the general fund
19 budget of the Parks Department.

20 So to exacerbate that problem, this year's
21 budget for historic structures, most of us were here in
22 2007 when the survey was done of historic structures.
23 There is a schedule of maintenance and there is a
24 schedule of restoration. In this year's budget, I
25 believe there is nothing again.

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2 MR. MARTIN: Within the operating fund.

3 MS. VILORIA-FISHER: I'm talking about the
4 capital budget that I looked at yesterday. I don't
5 believe there is anything there because there is some
6 money left over from last year's capital budget, but
7 this is already dedicated for certain projects.

8 I just want everybody to be aware and be
9 conscious that we have to be very careful if we have all
10 these precious buildings and we're not taking care of
11 them, I know Mary Ann and I had a lot of discussion
12 about this last year, if you care about the structures,
13 wherever you live in Suffolk County, please let your
14 legislators know. This sounds like a political
15 commercial; I'm sorry, it's not. It's just the
16 consciousness of what we have out there in our
17 structures.

18 I have an old house. I know if we don't spend
19 money and take care of it, it will fall apart very
20 quickly. Be aware during these very tight times adding
21 a building that really has very little significance, I
22 think she spent two weeks there one summer, at the cost
23 of four hundred thousand dollars, where we have a
24 capital budget where we don't have anything in the
25 capital budget that is being added for historic

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2 structures --

3 MR. MARTIN: It would only be Phase 1 of a
4 rebuilding project. A project like this would probably
5 cost a million or more, especially if they were trying
6 to retain any of the original features and not
7 rebuilding with all new fabric.

8 MR. PICHNEY: There are a number of historic
9 trust members that are not here. They were absolutely
10 appalled that the county would even consider funding
11 this restoration.

12 THE CHAIRMAN: Thank you. We will modify the
13 agenda a little bit, move to recommended unlisted
14 actions. The proposed sale of John Foley Skilled
15 Nursing Facility in the Town of Brookhaven. We have
16 with us Legislator Kennedy. It's an honor to have you
17 here.

18 LEG. KENNEDY: Thank you. It's nice to see
19 you again.

20 THE CHAIRMAN: Would you like to tell us what
21 you are proposing?

22 LEG. KENNEDY: First off, any time I come to
23 CEQ I want to thank you for all the good things that you
24 do. Thank you for having the opportunity to be liaison
25 many years ago with Mr. Bagg. I know it's an important

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2 function. Now as a legislator I see how much we rely on
3 the work that the good board does to fulfill the
4 responsibility.

5 That being said, I'm here today to basically
6 say to you that I believe that the board does not have
7 an EAF in front of it that rises to the level required
8 under the statute for the board's consideration. I
9 don't want to bore or insult this board with the
10 sections of the Environmental Conservation Law or, for
11 that matter, rules and regs, but this board knows very
12 well that any municipal entity has that threshold
13 responsibility regarding an Environmental Assessment
14 Form when it's prepared and put before this board, and
15 the Environment Assessment Form is supposed to take a
16 look, and everybody here knows that look is deemed to be
17 a hard look, and the hard look is supposed to be what
18 will be the ramifications of the proposed action, and
19 for that matter, any alternatives that may have been
20 considered.

21 What I submit to you today is that the
22 Environmental Assessment Form that is before you is
23 confounded in a number of ways. First of all, the
24 resolution that it's based on, Introductory Resolution
25 1474, is itself a hybrid that I question the validity of

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2 because it compels the legislature to make a surplus
3 property determination, which is an independent
4 municipal action separate and apart from the sale of the
5 John J. Foley Nursing Facility, as it's currently cast
6 and put before us.

7 The resolution therefore obviates an
8 independent choice that this board would have regarding
9 a surplus declaration, separate and apart from any
10 decision as to what may or may not happen with the
11 facility. Those two decisions should properly be
12 independent decisions that this board would take up for
13 consideration of the environmental impact, and not only
14 the environmental, but as this board knows full well,
15 there are also social and economic implications that
16 come into play, and the statute speaks to those broad
17 parameters, so conceptually what I would put before the
18 board is that there has not be a full investigation in
19 this Environmental Assessment Form that is before you
20 now.

21 I go a little bit further. When I reviewed
22 the EAF itself, and I'll point specifically to Item 20
23 considering public input. The statement that there has
24 been government or citizens of adjacent communities that
25 have expressed opposition or objections to the project

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2 from within the community, I submit to the board at this
3 time that is not the case at all. As a matter of fact,
4 anybody on this board or who lives in Suffolk County has
5 seen this as a matter that the Suffolk County
6 Legislature has considered now for the better part of --

7 MS. VILORIA-FISHER: At least two years.

8 LEG. KENNEDY: Legislator Viloría-Fisher and
9 myself have sat through many, many hours of testimony,
10 not only from employees and also from residents of the
11 facility itself, none of which is reflected in the EAF
12 that is before you now. Not only would I submit to you
13 that you have an EAF that does not rise to the threshold
14 of sufficiency for you to make a determination, but you
15 also have a document in front of you that is just flat
16 out wrong. It is not prepared in proper fashion by the
17 department, and what I submit to the board is I think
18 the board has a duty to reject the documnt outright,
19 submit it back to the department and compel the
20 department to meet its threshold requirements under the
21 statute.

22 I did take an opportunity to go ahead and look
23 some at some case law and get a copy and put it before
24 you. The case that I would cite is Baker versus Village
25 of Elmsford, Appellate Division decision rendered 2009.

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2 It considers a variety of actions associated with street
3 abandonments. But what it does state, and I think this
4 is important, is the reason supporting the determination
5 where there was a Neg Dec that was sought cannot be a
6 mere reiteration of a statement that there is no
7 significant impact, be it environmental or any other.

8 When you look at the statements in the EAF,
9 the statements in the EAF just reiterates that this is a
10 mere sale or transfer of a license with a facility and
11 gives no other logic, no other rationale, no other wide
12 ranging considerations. It is a statement restating a
13 statement presented, and therefore lacks any additional
14 evidence, support or basis for the board make its
15 determination.

16 Finally, I would say to you there is no
17 alternatives that have been presented. Sale of the John
18 J. Foley facility continuing municipal operation are
19 only two of what might be many diferent choices that
20 could happen with that facility. There could be leasing
21 of the adult day care facility.

22 The board is being presented with this is a
23 humungous facility that only performs one function.
24 Nothing could be further from the truth. This is a
25 long-term care facility for some, a short-term rehab for

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2 others, an adult day care facility for yet others, and
3 it is a complex health care facility that furnishes
4 services that in the case of the AIDS unit are unique in
5 Suffolk County. You will find no other beds dedicated
6 as those beds are.

7 Once again, to have the board have to make
8 some kind of very important determination regarding a
9 Neg Dec on an unlisted action, I say to you today, you
10 have nowhere near enough before you to even begin to
11 consider whether there would be a Neg Dec or positive
12 declaration is basically what I present to the board.

13 THE CHAIRMAN: Anyone else here to speak to
14 the matter from the county?

15 MR. MARCHESE: **Len** Marchese from the
16 Department of Health Services. I'm the project director
17 with regard to this transaction for the county.

18 I just want to reiterate the department's
19 position with regard to that. I understand some of
20 Legislator Kennedy's concerns. I want to let you know
21 that the transaction calls for the sale of the facility
22 to a private operator, and that is it. The existing
23 operation would remain the same. The existing patients
24 would remain the same. There would be no change to the
25 land. Any environmental aspects of it, which is really

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2 is what this forum is, is just an environmental review.
3 I understand there are some other issues with the
4 employees. There are other forums for those comments
5 and considerations. There is a bunch of hearings
6 scheduled on that, but this forum here is particularly
7 set up for the environmental aspects of this
8 transaction.

9 What we suggest and what we are putting down
10 on paper and what we are proposing is literally just a
11 transfer of the license from one operator to the other.
12 When the facilities close on midnight on one day and
13 open the other, the same parking lot would be there, the
14 same sewage water flow, etcetera. While there are a
15 lot of other issues outside this, this is not for this
16 forum to weigh in on.

17 That is has been our position. That is what
18 they're just reiterating to you. I have the sympathy
19 for the employees and what not and how they might have
20 some concerns, but there is a separate legal process
21 that the county has to undertake to do any kind of
22 transaction of this magnitude that has other hearings,
23 other forums, other decision makers that have to weigh
24 in on that process. They will do their due diligence,
25 I'm sure.

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2 Right here what we are doing is asking for a
3 Negative Declaration because there is no environmental
4 impact from transferring it from one owner to the other.
5 There will be no change in the operation whatsoever.

6 MS. VILORIA-FISHER: I have a question and I
7 had this question regarding Legacy Village as well.
8 When we move property from county ownership to private
9 ownership, I'm concerned that property doesn't lose the
10 restrictions that we have on county lands not to use
11 pesticides and herbicides. We don't use pesticides and
12 herbicides unless it's gone through CAC for exemption.

13 Once it goes into private hands, then I think
14 that would be an environmental impact because they would
15 not be restricted in what they're putting in when they
16 have gardens.

17 MR. MARCHESE: I suppose the county can enact
18 any laws themselves and hold themselves to a higher
19 standard than the public.

20 MS. VILORIA-FISHER: On this issue we do.
21 Those restrictions would not be in place if it were
22 privately owned.

23 MS. GROWNEY: Put it in the contract.

24 MS. VILORIA-FISHER: Right now it isn't.
25 What is before us is just a sale. There is no

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2 restriction on the private owner.

3 MS. GROWNEY: We could request that there be
4 some covenant of that nature.

5 MS. VILORIA-FISHER: The point is there are
6 some environmental impacts.

7 MS. GROWNEY: I hear you.

8 THE CHAIRMAN: What about Legislator
9 Kennedy's comment that there are other alternatives that
10 may or may not have environmental issues associated with
11 them, such as leasing and so forth.

12 MR. MARCHESE: This transaction has nothing
13 to do with leasing. This transaction is a straight sale
14 to a private operator. That is what is before you.

15 THE CHAIRMAN: His comment about there are
16 other alternatives that perhaps should be considered.

17 MR. MARCHESE: That might be something
18 subject to some other negotiation. Right now, the
19 county executive, through some other proposal, has
20 proposed a sale transaction right now. That is the only
21 thing this body should be considering. That is the only
22 thing before you.

23 MS. GROWNEY: Going to the legislator's
24 comment, is this just the sale of the building or
25 building and the land?

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2 MR. MARCHESE: The sale and footprint of the
3 building, approximately fourteen acres. I think the
4 committee was provided with a description of the
5 footprint.

6 MS. GROWNEY: Is it possible for us to make
7 the recommendation that there would be some covenants
8 that would restrict certain things in an environmental
9 capacity only? Is that something this board can do?
10 This is a question for Jim.

11 MR. BAGG: Sure, the board can request that
12 this be made part of the Neg Dec. Any county
13 restrictions on the use of pesticides be added into the
14 bill of sale and run concurrently so that the person who
15 does acquire the site is bound by the county
16 restrictions.

17 Some of the things you have to point out is
18 one of the big things with the pesticide law that came
19 out is said, you can't use pesticides on county property.
20 However, from a health point of view they, ended up with
21 lice, bed bugs. There is a committee established that
22 waived it and allowed the use of pesticides to treat
23 those types of applications, so there is an avenue by
24 which even a private entity can go to the County Board
25 of Review and get that listed for specific instances.

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2 MS. GROWNEY: It's something that this board
3 has done before?

4 THE CHAIRMAN: Yes.

5 MR. BAGG: In essence, most county projects
6 are for municipal use. Then the county is bound by that
7 law.

8 MS. GROWNEY: In terms of a sale where it's
9 going out of county hands.

10 MR. BAGG: This is the first time we are
11 entertaining sale in the last year.

12 MR. KAUFMAN: We have done recommendations
13 before as an advice to the legislature on other
14 projects.

15 MR. BAGG: We require that county pesticide
16 restrictions be appended to the sale contract.

17 MR. KAUFMAN: This would be addressing some
18 of the comments that Legislator Kennedy brought up and
19 also you touched upon. That is the issue of bifurcation
20 into separate units. Legislator Kennedy brought up
21 there are several units in the building, there are
22 several uses associated with it. It's not just a
23 nursing facility.

24 I'm not sure I can tease out, if you will, a
25 separation on this. Basically it looks, to my eye right

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2 now, I don't know that much about the nursing facility
3 and I don't know about the various facilities out
4 there. The county seems to be treating this as a whole,
5 functionally. The fourteen acres plus the building plus
6 the associated functions with it.

7 It seems as if the county is centralizing
8 this, if you will, certain services in this location
9 because they have a relationship to each other. That is
10 what I --

11 MR. MARCHESE: That is not true, though. In
12 order to operate a nursing home in New York State, you
13 need a license. The license that we get or we grant for
14 a nursing home is inclusive for every function under the
15 nursing care, including the adult day care, including
16 the AIDS beds. It's all one license and we all follow
17 the same rules and regulations.

18 MR. KAUFMAN: There is no legal justification
19 because the legal operation of the facility is all under
20 one license which the county Department of Health has.

21 MR. KAUFMAN: You're treating it as a whole,
22 as a single item.

23 MR. MARCHESE: You have to.

24 MR. KAUFMAN: Teasing out a separate entity
25 for each of the units is not possible under your

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2 viewpoint, under the licensing structure.

3 MR. MARCHESE: You couldn't separate one
4 without the other.

5 LEG. KENNEDY: Point of clarification. The
6 adult day care is not a hundred percent adjoined to the
7 skilled nursing facility. As matter of fact, it does
8 stand separate and apart and throughout Suffolk County
9 you will see many stand alone adult day care
10 facilities.

11 MR. MARCHESE: If you look at our license, it
12 says two hundred forty beds, two hundred sixty-four beds
13 plus twenty-four beds adult day care; one license.

14 MR. KAUFMAN: You're saying is there no
15 alternative?

16 MR. MARCHESE: Here is the license. (Holding
17 it up) It's one license under the Department of Health,
18 one unit.

19 MR. KAUFMAN: You're saying in one context
20 it's not an alternative to break out the units.

21 MR. MARCHESE: New York, what the contract
22 says we will sell the land, license, building and
23 everything. It's being transferred from Suffolk County
24 to this private entity.

25 MR. KAUFMAN: One last question on the hard

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2 look because that is something I'm very concerned
3 about. Are there alternatives that you have examined or
4 the department has examined that are viable in terms of
5 dealing with SEQRA in terms of the EAF that is before us
6 at this point in time? It's a sale or not a sale.

7 MR. MARCHESE: The department's position and
8 county's position at this time, if the transaction goes
9 through, it's a sale. The county is just selling the
10 property and the land and the building to a separate
11 operator.

12 There were other considerations in the RFP
13 when we went down the road over the last two years, but
14 those alternatives were discounted due to a lot of
15 different factors. This was the contract that was
16 finally negotiated.

17 MR. KAUFMAN: That makes the hard look to be
18 in existence. A hard look seems to have been taken
19 through the RFP process.

20 MR. MARCHESE: Absolutely. We went through a
21 lengthy legal process that the county enforces. You go
22 through this whole process where you bring through
23 proposals and we picked the final bidder, and then we
24 went through a negotiation process with this final
25 bidder to come up with the final contract as it exists,

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2 and that is what we are putting forth as the
3 transaction.

4 This transaction is going to be vetted in a
5 lot of different forms. This is simply an environmental
6 statement that it's not going to affect the
7 environement. At twelve-o-one when we sell the
8 property, the same patients are going to be seen, the
9 parking lot is going to be the same, the waste flow and
10 water flow is going to be the same. Nothing is going to
11 be changed.

12 MR. KAUFMAN: It's brought up that the hard
13 look has not been taken. Your answer indicates that a
14 hard look has been taken to take the SEQRA guidance.

15 MR. BAGG: It's a review of impacts on the
16 natural environment. This is an existing operation now.
17 Whether they're dealing with AIDS patients or day care
18 or full-time patients, that is something that fulfills
19 social needs, it's not an impact on natural
20 environment. Whether those units are leased or whether
21 they're sold or operated under one entity or multiple
22 entities or whatnot, it does not have an impact on the
23 natural environment.

24 MR. KAUFMAN: There is no plan associated
25 with it?

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2 MR. BAGG: In essence, those alternatives
3 don't count. It's not like we're going to put a wing on
4 here and there are oak trees, and we can put it on the
5 west side or east side. We're going to add sewage to
6 the site or we're going to do things. Those are impacts
7 on the natural environment.

8 MR. KAUFMAN: This is different from the
9 Yaphank situation. If this was Legacy Village, that
10 would be a different story.

11 MR. BAGG: That hadn't been built; this is an
12 existing operation.

13 MR. KAUFMAN: It's a sale. We're not talking
14 about future plans or anything like that.

15 MR. BROWN: You are saying there are two
16 hundred twenty-four beds and it's going to stay two
17 hundred twenty-four beds when you sell it.

18 MR. MARCHESE: Two hundred sixty-four.

19 MR. BROWN: We can actually tell a private
20 company you could not add another three hundred beds?

21 MR. MARCHESE: The beds are consistent with
22 the licensure of the Health Department of the State of
23 New York. There is a whole process that you have to go
24 through in order to increase beds. The state is trying
25 to eliminate beds in the system.

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2 MR. BROWN: We have fourteen acres with the
3 sale of this. We're saying that when we sell this to
4 the private company, there is not going to be any
5 expansions. It's going to stay as it is, in county
6 hands. You are selling the license.

7 MR. MARCHESE: License, the land and
8 building.

9 MR. BROWN: In the license it says it's going
10 to be just this facility, fourteen acres, no addition,
11 no additional beds.

12 MR. MARCHESE: Correct, that is the only
13 thing we have the right to sell.

14 MR. BROWN: A private company is not going to
15 come in and all of a sudden he can expand to five
16 hundred beds.

17 MR. MARCHESE: Under this, if they wanted to
18 expand, they would have to come before this group
19 again.

20 MR. BAGG: No, they would have to go before
21 the Town of Brookhaven.

22 MR. BROWN: I'm saying if the EAF is
23 incorrect, we need to correct it.

24 MR. BAGG: If the town reviews the site plan,
25 does the town turn around and say you can never come

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2 back to us for any expansion or anything else, we want
3 it all now?

4 MR. BROWN: One of the reasons that the town
5 has covenants is to protect wetlands or open space areas
6 so it can't be built on. There are certain restrictions
7 that we do put in play, just like the county does. All
8 I'm saying, if we are looking at an EAF and making a Neg
9 or Positive Dec on it, it should be an accurate EAF.

10 MR. BAGG: At this point, there are no
11 expansion plans. There is no anything. It's just a
12 strict sale.

13 MR. BROWN: What Mr. Kennedy is saying, there
14 is no public comment with regard to the facility. And
15 he's saying yes, there have been quite a few, so the EAF
16 is incorrect.

17 MR. MARCHESE: There are other forums that
18 the public comment will take place.

19 MR. BROWN: Shouldn't that be in the EAF?

20 MR. MARCHESE: We have identified that has to
21 to be approved by the Suffolk County Legislature. There
22 are fourteen approval steps that this has to go
23 through.

24 MR. BROWN: EAF can't be segmented. It's
25 supposed to be complete and we are supposed to review it

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2 and make a decision.

3 MR. BAGG: You're right. Basically under law
4 you are supposed to fill out Part 1, after. That can be
5 changed by the CEQ when it gets sent to the legislature
6 and saying yes, there has been --

7 MR. BROWN: I'm saying what has been said
8 today is we should make a decision on an EAF we have in
9 front of us, even though it's incorrect.

10 MR. BAGG: It's not incorrect. The CEQ has
11 the chance to change Part 2.

12 LEG. KENNEDY: I appreciate you listening to
13 what my original concerns were. It seems to me that
14 when I'm across the street, I'll be looking at the
15 recommendation and nevertheless sharing the same types
16 of things that I bring to the board today. SEQRA
17 clearly has its primary focus on the environment, but I
18 will also go back to the enabling legislation, which
19 everybody on this board knows full well not only do we
20 look at the environmental impacts, but we also look at
21 the social and economic, where applicable, as they may
22 be tied with the environment.

23 Obviously, I take some issue with what the
24 state has stated. I don't know that I fully agree, as
25 far as the way the license is characterized. We may be

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2 looking at something that is a mere convenience for
3 purposes of display. Adult day care facilities. I'll
4 also go back to the basics with SEQRA, for that matter.

5 If the only alternative that the federal
6 government sought was to put a federal roadway through
7 Overton Park, then we would have a federal highway
8 there, and the purpose for NEPA and SEQRA, even more
9 expansively is to have the agency bring forward to the
10 board reasoned alternatives, not a mere reiteration we
11 elected to do this thing, so this is the thing we put
12 before the board. Quite candidly, that would gut and
13 make almost a paper exercise SEQRA review. That is not
14 arms length. That is not independent. That is not
15 encompassing whatsoever.

16 I go back to the case that I stated. I'll go
17 to what the gentlemen here pointed out. Not only do you
18 have a flaw in 20, you have a flaw in 19. You have more
19 than fifteen employees.

20 Mr. **Marchese** refers to an outright transfer at
21 the stroke of midnight, a private entity will then take
22 over a county property that has been in continued
23 operation for over a hundred years and has met needs far
24 beyond any other need provided by a private supplier in
25 this county. It is, in essence, personification of a

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2 public mission for those who can least afford it. I
3 don't want to cloud the issues, but I also want to say I
4 quite candidly find it insulting that this board would
5 be given a writing that is admittedly a flawed
6 inaccurate writing in the first instance. You should be
7 able to deliberate and make decisions with substantive
8 complete material, not something that is defective out
9 of the shoot.

10 I would ask the board to go ahead and either
11 table or reject the EAF until it's at least in proper
12 fashion so that the board can go ahead and make a
13 reasoned decision.

14 MR. MARCHESE: We actually disagree,
15 respectfully. As you review the questions and we have
16 answered these questions, there are no yes answers where
17 there should be no answers, and there are no no answers
18 where there should be yes answers. There is no
19 environmental impact. The facility will be sold to a
20 private operator. It's been in existence since 1996,
21 actually, so this facility, only this piece of land has
22 not been around for a hundred years.

23 THE CHAIRMAN: That has been in existence
24 since 1996.

25 MR. MARCHESE: This facility was built in

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2 1996. What the legislator is referring is another
3 building further down the road, but this particular
4 parcel has been around since 1996. It's a relatively
5 new building. It's actually not that old at all.
6 Basically, again we feel that we have answered all of
7 the questions to the best of our ability. We feel
8 they're true and correct. Again, although we realize
9 there are a lot of other issues with regard to
10 employees, and we sympathize with the employees, there
11 are a lot of other forums for those issues to be
12 expressed.

13 Obviously, the legislature is going to weigh
14 in on a vote on the final disposition of the sale
15 because they have the contract to sell. The fact is,
16 all the natural and environmental aspects of this
17 facility from when we sell it at twelve o'clock is going
18 to remain the same; they will not change. The
19 wastewater will stay the same, all the other impacts
20 will stay the same.

21 Again, this body is to review the
22 environmental impact of it and I know there are a lot of
23 issues, peripheral issues, but there are a lot of other
24 agencies and other forums where they will have ample
25 comment on this. This is a declaration of environmental

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2 impact. The Department of Health went through this very
3 clearly and we recognized all the aspects of it and feel
4 we completed it fairly and accurately.

5 THE CHAIRMAN: Just as a reminder to the CEQ,
6 we reviewed this when the building was originally
7 constructed and found out that the entire building and
8 surroundings, it was a Negative Declaration. This has
9 been through the overall scheme of things, has been
10 through the CEQ previously.

11 MS. SPENCER: I have a question. This may not be our
12 purview, but I would like an answer anyway. This
13 license to which you refer, is that applied for and
14 granted annually?

15 MR. MARCHESE: No, it's a license that once
16 you obtain, you keep it until you surrender it or sell
17 it.

18 MS. SPENCER: What if you wanted to modify
19 it? What if you wanted to cut out the AIDS patients,
20 then you have to reapply?

21 MR. MARCHESE: You have a Certificate of Need
22 process with the State of New York, and you have to go
23 through a whole state process in order to modify or
24 change a license. We are strictly regulated.

25 MS. SPENCER: I understand. So the license

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2 that would go with the site property would stand until
3 somebody wanted to modify or reapply. Thank you.

4 MR. KAUFMAN: If this application was tabled,
5 would there be any ramifications to it?

6 MR. MARCHESE: Yes. Well, okay, we're on a
7 very strict time frame. As you know, the county is in
8 some pretty difficult financial times. The reason why
9 the sale is being proposed by the county executive has a
10 lot to do with bridging some financial programs with the
11 county. This is not minor amount of money. I think his
12 initial financial assessment said this transaction over
13 the first five years would save the county over sixty
14 million dollars, so the fact that we are trying to move
15 this process along would help us to balance, if you
16 will, the budget deficit that is projected for 2011.
17 And the process, in order to make this happen, this is a
18 part of it that needs to be in place.

19 MR. KAUFMAN: You are giving me a general
20 answer,

21 MS. VILORIA-FISHER: May I give a more
22 specific answer? Actually, I don't believe that tabling
23 it for one cycle would have an impact. Right now, the
24 legislature has a resolution or procedural motion to
25 have a second appraisal done, so that still has to be

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2 done. We also have to hold public hearings that
3 haven't -- we haven't given the go ahead for those
4 public hearings. We haven't had the final review done
5 by BRO on the project.

6 So, it's very unlikely that the legislature
7 would be moving forward with this within the next month,
8 and so I don't think that a tabling motion would really
9 slow down the process. As Mr. Marchese said, there are
10 many parts to that property and the legislature is
11 looking at the other pieces of it, so a tabling motion
12 would not slow down the process.

13 THE CHAIRMAN: Just as a matter to clarify
14 that further, I don't like it when somebody comes here
15 and says action is essential because we have that kind
16 of problem or this kind of a problem. If it was that
17 big of a crisis, it should have been here months ago as
18 opposed to this time, with the opinion that drop dead is
19 absolutely essential. So I don't think we should go
20 with the business that the budget is the something that
21 we have to respond to instantaneously. We should do our
22 job correctly.

23 If the form is improperly prepared or
24 incomplete, we should make sure that it is complete.
25 Mr. Marchese, I thank you. Would you please stay here

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2 because we have people from the public that would like
3 to speak. I'm sure that the board will discussing this
4 a little bit more.

5 LEG. KENNEDY: Mr. Chairman, I have another
6 commitment. I have to go. I would ask, do you want the
7 case that I cited or should I put them in in a different
8 fashion?

9 MS. VILORIA-FISHER: Can you let the Chair
10 know?

11 LEG. KENNEDY: I have a commitment with
12 Budget. I'll speak specifically to Item 19 and 20
13 again. I'll speak to the fact that I believe the
14 justification in the EAF itself is merely conclusory and
15 therefore just a restatement of the action sought in the
16 first instance. In fact, as I said, doesn't even rise
17 to the bare threshold of what the law requires for the
18 board to have an EAF with validity and merit before it,
19 so you can make the arms length independent decision
20 that the statute charges this body with. I'll be happy
21 to do it.

22 MR. BRAUN: My name is Robert Braun. I'm an
23 assistant county attorney. I'm involved with the
24 process respect to the sale of the nursing home.
25 Specifically, I was in consultation with Mr. Bagg in the

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2 preparation of the EAF for this that you are now
3 considering.

4 Mr. Kennedy made a comment very early that he
5 thinks that this matter should be considered in two
6 parts. That is the declaration that the property be
7 considered surplus, and the separate determination of
8 the effect of the operation, or the environmental impact
9 of the facility being operated by a private owner.

10 That is exactly the segmentation that was
11 argued against when the county made a proposal regarding
12 Legacy Village. The county wanted the EAF to consider
13 the declaration of surplus land alone because the county
14 wasn't certain as to what the ultimate use would be.
15 And this board decides that they should be considered
16 together because there was a general plan as to its
17 use.

18 In this case, there is a very specific plan as
19 to the future use of the property. That is, the
20 property is going to continue to be used exactly as it's
21 being used today. It's has no more environmental impact
22 than would the replacement of a single nurse by a new
23 employee have an environmental impact. Nothing is going
24 to change.

25 In my consultations with Mr. Bagg about this

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2 when he prepared the EAF, we concluded this this was
3 something that must be considered together. It should
4 not be considered separately. I wanted to point that
5 out to the council for their consideration.

6 THE CHAIRMAN: Thank you very much. I
7 appreciate your comment. How many of you are going to
8 talk? I one hand is raised. I remind you this is a
9 council on environmental quality so you should be
10 speaking only to environmental, it's not other issues
11 that you have heard about, social issues and so forth.

12 MS. KERRIGAN: Dorothy Kerrigan. I'm a nurse
13 at the Foley facility. Also vice president of the **AME**,
14 the county union. If I get off track, let me know.
15 This is an emotional issue for me and for the residents
16 and all the employees there.

17 We take objections with a few things that have
18 been said. There is so much objection to this sale that
19 it didn't go through two years ago. The objections were
20 there documented. It's been many, many years of the
21 County Executive, Steve Levy, trying to sell the
22 facility as a one shot deal cost saving to get rid of
23 the employees, whatever way you want to spin it.

24 When the facility is sold to a private person,
25 they don't have any obligation to keep the property the

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2 way it is. As soon as it's sold, I'm sure it will be a
3 smooth transition because the next day they're not going
4 to remove all the residents and all the employees, they
5 need the residents for revenue for the time being and
6 they need the employees until they do a transition.

7 Most of the employees live in that area and
8 that is an area that will be severely impacted. You
9 might not consider environmentally when mortgages are
10 foreclosed on. Many of the employees are woman and some
11 of them, sixty-seven percent are head of households.
12 It's a tough economic time. The sale of the facility,
13 first of all, selling something when the prices are at
14 the lowest leads towards our belief that it's another
15 one shot deal that we need to have some revenue. I
16 think it was in the papers, one of the papers, county
17 exec is going to unload the nursing home again.

18 As far as an environmental impact, that whole
19 area is being looked at now is under review. It's a
20 Carmen's River watershed area. Contiguous property in
21 that property is being reviewed for development. There
22 is no way that the footprint of the John J. Foley
23 Skilled Nursing Facility is fourteen acres. I'm not an
24 architect or surveyor, but originally there was a
25 Request for Proposal put out for bids acquisition of two

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2 hundred sixty-four skilled nursing beds, including
3 twelve AIDS beds, sixty adult daily care program slots
4 and the leasing of the facility. The RFP says nothing
5 about the sale of the facility. That was not in the RFP
6 that went out to the bidder.

7 The whole process is totally flawed. It's
8 being rushed. County exec wants to sell the property if
9 that EAF form is correct. There is also a lot of other
10 things that are very incorrect in this proposal.
11 Fourteen acres of property can be developed in a private
12 owner's hands, and will be. It's been stated to us by
13 the county executive himself told me two years himself
14 he is going to sweeten the deal by throwing in the
15 fourteen acres. It was a different buyer, because he
16 mentioned a Jewish foundation, Parker Jewish or Parker
17 Long Island Jewish that they would be putting in an
18 assisted living facility. That is the name of
19 facility.

20 Many facilities, as you know all over the
21 county, will have a retirement village and then an
22 assisted living and then a nursing home. It ties in
23 because people can stay in that same area and they have
24 plenty of room to expand.

25 It is a big environmental issue to that area

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2 alone, especially if you couple it to some development
3 there that is carefully scrutinized now in the form of
4 Legacy Village. There is no way anyone can say it has
5 no environmental impact. It has an environmental,
6 social, economic. It will impact that area for years to
7 come, plus we will be giving up the only county nursing
8 home that we have.

9 As soon as this private comes in, there is no
10 way in the contract, if you have been privy to it, it
11 states they're required to keep the residents until
12 their condition changes. I'm a nurse. Their conditions
13 change every day. That is no guaranty that anybody will
14 stay there. A lot of people that have no family, that
15 is their family. They will be removed eventually. The
16 nurses, the residents live right in that area. They
17 have been to many of these hearings that Mr. Marchese
18 spoke about. They will be at those also. There is one
19 tonight and there will be plenty of people there talking
20 about the impact on their community and their family
21 members and Suffolk County residents. This is a Suffolk
22 county facility that we want to preserve for Suffolk
23 County.

24 The gentlemen that is buying, he's not a
25 Suffolk county resident. He's a multi-million dollar

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2 mogal, for lack of a better word. He will be making
3 money. It's a business proposition. It has nothing to
4 do with protecting the area, which has already been
5 scrutinized.

6 THE CHAIRMAN: If I heard you correctly, your
7 major environmental concern that is the potential that
8 the fourteen acres minus the building site will be
9 further developed downstream.

10 MS. KERRIGAN: Absolutely. That property
11 footprint is not fourteen acres. The footprint is about
12 six acres, from what I understand. It could be a little
13 bit more, a little bit less. It's approximately six
14 acres. If the deal was for six acres, then there
15 wouldn't be any expansion.

16 Apparently, that wasn't the deal; it was
17 increased, I know, under this Request for Proposal.
18 There was no acreage actually specified. But I know
19 that it's being referred to as the footprint and this
20 additional acreage is not the footprint.

21 MS. VILORIA-FISHER: Mr. Chair and Jim Bagg,
22 they're talking about the footprint of the building, the
23 parking lot and about five and half acres of wooded land
24 and the approach to the building. Isn't that what that
25 is?

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2 MR. BAGG: That is correct. That is what is
3 in the form. Total acreage to be sold is fourteen point
4 zero six acres.

5 MS. VILORIA-FISHER: That includes the
6 footprint of the building, the large parking lot
7 surrounding it and the five and half acres of wooded
8 acreage. I think what Dot is saying there is room for
9 expansion if they could go into the wooded acres.

10 MR. BAGG: That is possible if they apply to
11 the Town of Brookhaven and they approve it.

12 MS. KERRIGAN: There is a possibility. There
13 is an environmental impact.

14 MS. SPENCER: Larry, the way I read this
15 overhead view, they're abandoning the current approach
16 and putting a much longer, I assume, potential approach
17 through woodland. How else to explain this panhandle?

18 MR. BAGG: The county, as far as what I
19 understand, the county granted access through the
20 existing county roads as it currently takes place.
21 However, if they're going to sell the property to a
22 private owner, they have to have footage on Yaphank
23 Avenue rather than an easement to make a permissible
24 lot.

25 It does not necessarily mean in the future

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2 they will ever develop that, because they haven't.

3 MS. KERRIGAN: I have to disagree with that
4 because they have access.

5 MR. BAGG: That is what I'm saying. In order
6 to make it a legal lot pursuant to town law, they have
7 to have access onto Yaphank Avenue, not an easement.

8 MR. BROWN: Would that mean taking trees down?

9 MS. KERRIGAN: They have would have to.

10 MR. BAGG: It's included in the sale in the
11 future. If the legislature chose to say we are not
12 going to allow you access off the county land any more,
13 they will have to have access off Yaphank Road.

14 MS. KERRIGAN: That road could be included in
15 the sale. That road, Glover Avenue, I listened in the
16 hearing the other day, is included in the sale. This is
17 getting very convoluted. I ask everyone to look at this
18 carefully. Is the road part of the sale or did they
19 have to get another road?

20 MR. MARCHESE: This is not convoluted. There
21 is a survey of exactly the parcel of land that we are
22 selling. You just have to know how to read the
23 document. It's on line. It's four acres. It's a
24 clear survey. They have easement rights over the
25 property, or to meet zoning requirements of the Town of

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2 Brookhaven, it had to have a way to get Yaphank Avenue
3 within its own parcel. That is the fact. There is no
4 convoluted anything. The contract is clear, the survey
5 is clear and the documents are clear.

6 MR. KAUFMAN: Two quick points on this
7 addressing the access. To have a legal lot under zoning
8 you have to have access to a public road. Right now,
9 access is off county property. To make this a legal lot
10 and transferred, they have to make it into a flag lot
11 and provide for that access.

12 As we can see from the aerial photographs,
13 liability issues apply. You can't have access over
14 county property to a private facility because if
15 somebody gets in an accident, there will be liability
16 running to the county. That is part and parcel why they
17 are making it into a flag lot. What they are doing is
18 fine and proper.

19 I want to address something else that everyone
20 has been bringing up. Literal compliance with both the
21 letter and spirit of SEQRA wants not mere substantial
22 compliance. We are talking about the document and
23 talking about possible errors in there. I will grant
24 you that there are possible issues with the EAF itself
25 that traditionally we have tabled on.

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2 But there is something else in this case which
3 basically says that the manner in which an agency
4 identifies and considers and analyzes alternatives is
5 subject to a rule of reason, and there is a long string
6 of citations. Some of these cases I actually know,
7 believe it or not. That is something we may be getting
8 away from in certain ways. To the extent, again I'm
9 just throwing it out to the members, I haven't made up
10 my mind one way or the other. We may have, again, I use
11 the word, "maybe," we may have an issue with documents,
12 we may have an issue with some of environmental concerns
13 being brought up, et cetera, but we are dealing with
14 trying to apply a rule of reason.

15 It's not necessary, in my opinion, that we
16 discount everything in the EAF and basically say that
17 it's wrong, that may be where we should be; I don't
18 know. But we are looking at a sale here. We are
19 looking at a survey. We are looking at something that
20 in other circumstances might be easily sold and transfer
21 of title easily accomplished and the EAF be fully
22 valid. It's a concern of mine because we are
23 essentially clashing rule of reason with what we are
24 really looking at, the essential reality here versus
25 possible errors in the document.

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2 What is concerning me is we may be getting
3 away from that and we should be judging it on that basis
4 as we listen to the comments that come in and listen to
5 the attorneys. We have to balance all of that.

6 MS. KERRIGAN: I just have one more comment
7 because it leads to what Mr. Marchese is saying, that
8 there would be no environmental impact. I'm sorry, I'm
9 not an attorney, I'm a nurse. I work at the facility.
10 I'm trying to review an onslaught of documents regarding
11 the sale. The survey I have not seen and I do
12 apologize. Obviously, it's a very long distance from
13 Glover Avenue is quite a length. It's not like you
14 would consider a driveway from Yaphank Avenue to the
15 facility.

16 It would have an environmental impact because
17 they would have to cut down a significant amount of
18 acreage to make an additional road that I wasn't aware
19 of.

20 THE CHAIRMAN: Mr. Kent?

21 MR. KENT: My name is Christopher Kent, Chief
22 Deputy Executive Suffolk County. I'm sorry, I came in
23 late but I was at another another meeting, and I'm not
24 sure what was said prior, but I want to reiterate what
25 Mike said. The survey was designed in such a way as to

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2 minimize the lot size. That was going to be necessary
3 to transfer the nursing home. I don't believe it's
4 complicated at all and I'll try and clarify if people
5 are feeling there is some needed clarification.

6 The lot is fourteen acres. It takes up the
7 building, the parking lot, and then we created a pole.
8 It's a flag lot. We created an access out to a public
9 highway, which is required when you create a lot that
10 doesn't front on a public highway. We did a minimum
11 width of that extension to the public highway of a
12 hundred feet. We felt that to be necessary in order to
13 create a lot that made sense.

14 There is no development potential on that
15 hundred foot strip other than a future potential to
16 create a road to have direct access from the public
17 highway to the parking lot for the nursing home. You
18 cannot -- Glover Avenue is not a dedicated public
19 highway. It's a road owned by the county to access the
20 police station, the police headquarters and other land
21 west behind the police headquarters which is owned by
22 the county. We cannot convey that road to the
23 purchasers of the nursing home. We have to maintain
24 that.

25 We will retain that in county ownership until

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2 such time as we chose to make it a public highway and
3 dedicate it to the town. We have no plans to do that
4 in the near future. It's essential, when we create a
5 lot, in order to establish the size of the lot, we only
6 gave the rectangle, the box necessary to cover the
7 building and parking lot with the required setbacks
8 under town zoning, and then a road and ability to
9 construct a road to access a public highway. It's the
10 minimum footprint that we could move forward with as
11 part of the transfer and sale.

12 I don't think it's complicated. I think it's
13 as simple as we could make it and it's the minimum
14 required.

15 THE CHAIRMAN: Your contention is making this
16 a flag lot actually conserves land held by the county
17 because you won't be selling off the space between
18 your -- the main part of the lot and the highway.

19 MR. KENT: We will not. Well, we wanted to
20 conform to zoning for the creation of a lot to allow the
21 Town of Brookhaven to review it and say this does meet
22 zoning. There has to be access to a public highway. We
23 thought the best way to do it is transfer ownership of a
24 strip of land that will get you to a public highway, not
25 depend upon an easement over county owned land that may

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2 in the future or may not be an access for this site.

3 Without creating that strip which gave it
4 access to a public highway, you would be creating a land
5 locked piece of land that doesn't meet zoning, so we are
6 required to do that. We looked at it and said we had to
7 create access to a public highway. If we didn't, I
8 think we would be violating some of the things that we
9 had to look at under SEQRA. If we weren't allowing
10 access to a public highway, I think we would be
11 violating some of the rules of SEQRA.

12 MS. VILORIA-FISHER: Thank you for coming.
13 You have been saying the same thing that has been said
14 four times. We understand that it's part of the zoning
15 requirement. The point we are making, I think the
16 point that Dot understood us to be making, once we went
17 over it, there is the potential of having an impact of a
18 very long driveway that goes through a wooded area.
19 That is the point I'm making regarding an environmental
20 impact there with that additional land.

21 MR. KENT: We believe we addressed that
22 somewhat because for as long as we were able to, there
23 is no contemplation to terminate that. They're going to
24 be able to access the site through easements over county
25 land. Again we can't see beyond --

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2 MS. VILORIA-FISHER: I'm talking about
3 potential impact. I understand what you are saying. I
4 understand that the county granted easement and the
5 county requirements and we have heard it four times.

6 MR. KENT: I'm sorry I came in --

7 MS. VILORIA-FISHER: That's all right. What
8 we are saying, there is a potential impact.

9 MR. KENT: That is strictly to meet zoning.
10 There is no contemplation of actually cutting the road.
11 If there was a road, it wouldn't have to be a dedicated
12 road, it would be a driveway. It wouldn't have to meet
13 the requirements of a roadway. It would be forty feet.

14 MS. VILORIA-FISHER: That is what we were
15 addressing.

16 MR. KENT: Two other quick points. I don't
17 know if you covered those or not. Continuity of
18 operation. The proposal is to continue to operate under
19 its current use. There is no change of use. There is
20 provision in the contract that requires retention of
21 employees, so if were you looking at socioeconomic
22 impacts, we are not looking to change the employees'
23 structure or the resident structure. The residents
24 residing there now will continue to reside there. It's
25 a continuity of operation.

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2 The other, it's a sale. There is no proposed
3 transfer or modification of the use. It's a sale under
4 current license, current number of beds, current
5 employees, current residents.

6 MS. GROWNEY: A quick question, Chris, having
7 to do with the length and duration of time that the
8 employees operation is committed to. Is there a length
9 of time involved?

10 MR. KENT: There is a provision if they are
11 looking to hire other employees, that they give the
12 first opportunity to the current employees. There is no
13 contemplation of them changing. That is something we
14 are going to be working on as a county in conjunction
15 with the state. There is an early retirement incentive.
16 If there are employees there, they're going to be able
17 to opt in an early retirement incentive.

18 Also to find an opportunity for employees, if
19 they chose to continue their employment. Employees that
20 have titles have the opportunity to jump back. They
21 could retreat to the current title they're in. If there
22 are other areas in the Health Department where that
23 current title exists, the person at that end with lower
24 seniority can opt to work at the nursing home.

25 We are trying to not disrupt the operation or

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2 disrupt any employee status and not disrupt any of the
3 residents from their position at the nursing home.

4 THE CHAIRMAN: Let's stick with environmental
5 issues. There seems to be some concern about the
6 removal of trees for potential access. This is for
7 information purposes with respect to the council. If in
8 the past we Neg Dec'd in the Yaphank area a golf course
9 for merely removal of two hundred acres, when a
10 particular structure was built, we authorized removal of
11 the trees and we also did that with the jail. On
12 invidual projects we have obviously worried about
13 removal of trees.

14 For example, I remember with the jail
15 recently, we were very concerned with the perimeter and
16 how far out they would be going. On the other hand, I
17 would say we have to look at cumulative impacts, what we
18 have been authorizing within the years, and the flag
19 portion might fall within that.

20 At this point in time, I don't know which way
21 it's going. I'm just telling the council which way it
22 has gone in the past. There has been an attempt to
23 protect trees, but at the same time on individual
24 projects we have always been very careful with how much
25 we allowed to be cut down. Obviously, creating a flag

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2 gives pause a little bit. On the other hand, it's
3 fourteen acres, much of which is parking lot and
4 building, if I had to estimate, about ten acres.

5 LEG. KENNEDY: I think the flag length is
6 about one point four acres, about fifty-nine point four
7 square feet. I believe Jim, correct me if I'm wrong, I
8 believe it's about fifty-nine thousand square feet. So,
9 it's about one point four acres or less of total area.
10 We're talking about maybe a forty to fifty foot
11 potential driveway in the future, which would be about
12 fifty percent at max, so you're talking about point
13 seven of an acre of clearing potentially in the future.

14 I don't believe this is original vegetation.
15 I believe it's regrowth vegetation. I don't believe
16 it's original pine or anything, I believe it's secondary
17 growth.

18 MR. KAUFMAN: The Pine Barrens do regenerate.

19 MR. KENT: This is not in the Pine Barrens.

20 MR. KAUFMAN: It's general municipal land.

21 We **are** aware of the zoning issue.

22 THE CHAIRMAN: Has to be environmental issues
23 here, nothing else.

24 MS. KERRIGAN: It's in regard to asking you
25 to hold off and table.

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2 MS. HURLEY: Rosemary Hurley, retiree from
3 Suffolk County. I worked twenty-six years. There is so
4 much going on in here. I'm here as a taxpayer as well.
5 There are pros and cons in everything and not everybody
6 is on a yes or a no I'm just advising when you make a
7 decision, it should have as many facts to your
8 availability that are correct and accurate. And I would
9 just suggest that the board really consider tabling it
10 and coming up with all the what ifs. Check them out.
11 That was my only thing.

12 THE CHAIRMAN: Thank you very much. I
13 appreciate it. Any other comments?

14 MR. KAUFMAN: When we make a decision on it
15 I think we have to look at standards of the decision
16 that will be made. One is are there environmental
17 impacts. That is our standard job to do. We have been
18 presented with a fair amount of information on that
19 running both ways.

20 The second thing I see, since the form itself
21 has been challenged, does it rise to the level of an
22 error requiring tabling. A rule of reason; in the past,
23 we have tabled when the form has been sufficiently
24 challenged. That has been pretty much our standard
25 procedure.

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2 At this point in time, that is the question
3 that I see. Again, the rule of reason. That is coming
4 straight from Appellate law. This is what the courts
5 say our job is to under take. I see it as two questions
6 that we have to consider, if we go Positive Dec,
7 Negative Dec or table.

8 However it goes, that is simply the standard
9 that I see for making any choices.

10 THE CHAIRMAN: Mr. Kennedy referred to
11 Comment 19 as being the one that was in error.

12 MS. GROWNEY: And 20.

13 MR. MULÉ: Page 18.

14 THE CHAIRMAN: 19 will proposed action affect
15 the character of the existing community. The county has
16 answered no, that will not affect the community.
17 Proposed action will relocate fifteen or more
18 employees. Fifteen or more employees, so the answer to
19 that, is according to what Mr. Kent just said, no
20 employees will be relocated. They will be offered the
21 opportunity to relocate or do other alternatives and
22 they will not be dismissed from their jobs.

23 MS. VILORIA-FISHER: That is not correct.
24 The employees will have alternatives that they can go
25 to, but employees will be impacted. Mr. Kent did refer

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2 to attrition and he referred to placing them in other
3 areas of the county, but they won't be at the nursing
4 home. They will no longer be county employees.

5 THE CHAIRMAN: But they will be private
6 employees at that facility.

7 MS. VILORIA-FISHER: That is up to the new
8 employer. They will be given different terms of
9 employment and they can decide whether or not they want
10 to stay. They can decide if they want to stay and they
11 will would be given first choice, it says, but if they
12 don't want to stay because it might be a great impact on
13 their salary level, then the county will try and find a
14 place to bump them to in the county. That was the bump
15 back issue.

16 So the county employees will be affected by
17 this and they will be affected severely.

18 THE FLOOR: Any person that gets bumped --

19 THE CHAIRMAN: This specifically says
20 proposed action will relocate fifteen or more employees.
21 That is not necessarily true.

22 MS. VILORIA-FISHER: Probably more.

23 MR. BAGG: Fifteen or more employees in one
24 or more businesses.

25 THE CHAIRMAN: Mr. Marchese?

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2 MR. MARCHESE: The operation of the nursing
3 home is a dynamic business. There are roughly two
4 hundred sixty, two hundred seventy employees plus
5 temporary people at any given time. Flow and ebb of the
6 employees changes. The existence of fifteen employees
7 plus or minus employees on any given day happens. Staff
8 is on vacation, the county moves people all the time.
9 The employees, as far as the number fifteen is
10 concerned, that is not something that is a significant
11 thing for us when we run a nursing home.

12 What the key business hear operating the
13 nursing home to take care of and treat two hundred fifty
14 patients and the adult day care slots, they have staff
15 to treat all of the patients. New York State guidelines
16 require them, and in order to maintain licensure, which
17 is subject to very strict surveys and regulations, to
18 maintain sufficient staff ratios in order to care for
19 the folks in the facility. That is the position. That
20 is what is going to happen, when we close the facility
21 and they take over operation, the exact minute they take
22 over ownership.

23 The fact of the matter is the patients will be
24 taken care of. I understand there in employee issues.
25 Those are not environment issues. This really has to do

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2 with the operation of the facility when we transfer
3 ownership from one day to the other. It will not impact
4 the environment. We are not changing anything in this
5 environment.

6 MS. VILORIA-FISHER: We are looking at a
7 question on the EAF Page 18. It is part of the EAF. I
8 think we should table it until everybody on the council
9 can look at the plan that the county has for the
10 employees. I have been looking at John J. Foley for
11 over two years. Most of the people I have spoken with
12 have a long-term relationship with the facility, not
13 transitional or transient, as Mr. Marchese would have us
14 believe.

15 I have with great conviction, I can say more
16 than fifteen employees will be affected by this. I
17 think we should look at the plan that the county has set
18 forth regarding employees in order for this council to
19 really have the sense of what is going on here with the
20 employees. It's right here in the EAF. Fifteen or more
21 employees will be affected. They will be affected.

22 Most of the employees who work here, and
23 Legislator Kate Browning can tell you this, most of the
24 employees who work there live near there. It's not only
25 affecting this particular fourteen acres, it's affecting

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2 the neighborhood.

3 That is one of the other questions on Page 17,
4 will it affect the surrounding neighborhood. It will
5 affect it. We have quite a number of head of household
6 women employed and they have come and spoken to the
7 county legislature. They are employed by the nursing
8 home they're worried about losing their livelihood.
9 You can have things on paper about bump and retreat and
10 about where they will be sent, but you don't know what
11 will happen with their employment. It's very tenuous.
12 I think everyone should look at what is in the contract
13 before we move any further with this.

14 THE CHAIRMAN: Another question Mr. Kennedy
15 raised, Item Number 20, public input. The question is
16 is there controversy related to potential adverse
17 environmental impacts. Those are the two primary things
18 that have been pointed out with regard to the EAF.

19 MS. KERRIGAN: May I make a brief statement?

20 THE CHAIRMAN: No, you may not. Mr. Kent?

21 MR. KENT: If I can speak to the impact on
22 employees. I know this is an environmental body. Tell
23 me if you want me to stop, that I'm going to too far
24 from the issue. The relocation of the employees is
25 directly impacted by financial concerns. We are

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2 currently losing money. This is an operating loss for
3 us every year. The alternative to the county is to
4 close the facility.

5 The transfer is the best option for us as a
6 county to continue the operations. We cannot continue
7 to lose the lose the money we were losing financially.
8 I think there would be a much bigger impact if we were
9 to close the facility. I know part of your duties are
10 to look at the alternatives. While I can somewhat agree
11 with Legislator Viloría-Fisher, that there may be
12 employees that are impacted by this. There may be.

13 We have put in the contract every protection
14 possible so that the employees are not impacted. Will
15 they be impacted? There will be certain things that
16 will impact their lives. It will be a change from
17 county employment. People who chose to stay at the
18 nursing home, it will be a change from county employment
19 to private employment. For those who ask retreat under
20 their current title to other places within the county,
21 they will continue as county employees. We believe
22 there will be enough numbers of attrition that no one
23 will lose their jobs. There will not be a job loss,
24 there may be a change from being county union employee
25 to a private union employee.

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2 There is a private union coming in, 1199.
3 Does that reach such a level of impact that this should
4 be taken by this body to address that? That is for you
5 to decide. I'm not going to tell you one way or the
6 other. The worst impact I could say if there was an
7 impact, small, not even to moderate impact on their
8 individual lives.

9 I understand it would be dramatic to each
10 individual. But in looking at the building as a whole,
11 I don't think it reaches the level where any significant
12 impact is determined that would make this body pick a
13 different route on its decision making process.

14 THE CHAIRMAN: I think what Legislator
15 Viloría-Fisher is suggesting that we would perhaps like
16 to see what you just said, the real plan, so that we can
17 make a decision on whether it's significant or not
18 significant.

19 MR. KENT: On the number of employees that
20 would be affected by this?

21 THE CHAIRMAN: No. If we vote this down or
22 table it, that we would like to see in writing what this
23 plan is so we will know more precisely, so we can make a
24 better judgment on the impact could be.

25 MR. KENT: There is language in the contract

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2 that provides for protection of the employees.

3 THE CHAIRMAN: We might want to see that.

4 MR. KENT: The alternative, we cannot
5 continue to operate at such a loss. The alternative is
6 much more drastic.

7 THE CHAIRMAN: That was not in the document
8 either.

9 MR. GULBRANSEN: That is part of the stated
10 plan. We should be considering what the no action
11 alternative could be or is; what are we being asked to
12 compare this plan to?

13 MR. KENT: We cannot continue to subsidize
14 the operations at seven to ten million dollars a year.
15 It's operating at a loss. Through the sale and transfer
16 of the facility, we can realize proceeds from the sale
17 and stop the annual loss of seven to ten million dollars
18 a year from the county budget.

19 MR. GULBRANSEN: The proposal that you have
20 includes a statement, that the no action alternative --

21 MR. KENT: Could result in closure.

22 MS. GROWNEY: It should be in the EAF.

23 THE CHAIRMAN: It is in the EAF. You had a
24 comment.

25 MS. KERRIGAN: Dorothy Kerrigan. I work at

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2 the nursing home. I'm an employee. The bump and
3 retreat that this gentlemen referred to does not apply
4 to the CNA's, certified nursing assistants. There are
5 no other titles in the county for that. The bulk of the
6 employees, and also LPN's, there is no bump and
7 retreat. That is the bulk of the employees. That is
8 the contract.

9 They're required to keep us ninety days. They
10 can't negotiate with the union for us. They don't have
11 anything to do with the unions, the county. They cannot
12 negotiate with the county. As far as another union
13 coming in there, that is like union busting. There is
14 already a union in there. I don't think that the county
15 wants to go to that place. That is not appropriate.

16 Also, they're not required to keep the
17 residents, although they will keep them. The residents
18 who are not private pay will not be profitable. If
19 they're not profitable for the county, how are they
20 profitable for a private owner?

21 THE CHAIRMAN: I would like to cut off the public
22 comment at this point and clean up our deliberations and
23 make a decision. Dan, you're first.

24 MR. PICHNEY: Mr. Chairman, I would like a
25 clarification with your conversation with Mr. Kent.

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2 Will he now present to us, if this was tabled on the
3 next occasion, with a piece of paper with the number of
4 employees that are going to stay in private employment,
5 the number of employees that are going to be transferred
6 to other county agencies or department, the number of
7 employees that will perhaps lose their job and so forth.
8 Just stated very clearly as stated in Number 19 of the
9 Environmental Impact Statement.

10 THE CHAIRMAN: I think if we do our job
11 correctly well. I have very specific questions that we
12 would like the county to answer in detail.

13 MS. VILORIA-FISHER: Mr. Chair, I was just
14 referred back to the alternative section, which is Page
15 7, the end of Part 1, Number 8 on Page 7, in D-8.
16 Number of jobs eliminated in the project. It says zero.
17 Then E is alternatives. Do not sell and keep in county
18 ownership or close the facility, so they have given
19 close the facility as an alternative. I want to
20 briefly -- I must react to something that Mr. Kent
21 said. He said we are losing X number of dollars a
22 year, which his numbers are questionable, but I won't
23 get into that. That is something I work on the other
24 side of the street on. But we have to remember it's not
25 losing money, it's costing money.

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2 Delivery of services is one of the things that
3 we do as a county and as a government. There is cost in
4 that delivery of services. We don't say how much money
5 we lose in fixing roads or how much money we lose in
6 protecting historic services. That is that the cost is
7 and that is the cost of government. That has to be very
8 clear there.

9 I really don't know that Number 8 being listed
10 as zero jobs eliminated, because we have two hundred
11 some odd jobs that will be eliminated from the county as
12 an employer. We are eliminating all the jobs, because
13 we are selling the license to a private entity.

14 There is a lot of nuance involved here that we
15 really haven't look at very carefully. As I suggested
16 earlier, we have to look at the contract as a council
17 and see what provisions are being made for employees,
18 because that is an impact.

19 THE CHAIRMAN: Thank you. Any other comments?

20 MR. BROWN: Larry, I would just hope that in
21 the EAF, inaccuracies of the EAF, if we do table this,
22 that we go back to the county and ask them to correct
23 their EAF so you can make a real clear decision.

24 THE CHAIRMAN: Yeah, that would be the idea.
25 No other.

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2 MR. PICHNEY: Just one more item. Again, if
3 we table it, would we be looking into recommending to
4 the legislature covenants related to use of pesticide
5 afterwards as well as perhaps another covenant relating
6 to further development on the site?

7 THE CHAIRMAN: We can discuss that. Whether
8 we decide to do that is premature.

9 MS. VILORIA-FISHER: Are you referring to the
10 flag?

11 MR. PICHNEY: No.

12 MS. VILORIA-FISHER: That I don't think we
13 could do.

14 MR. BROWN: Certainly not. That
15 wouldn't be legal if it's going to be transferred within
16 the Brookhaven zoning law, whether additional buildings
17 could be built on the fourteen acre site.

18 MR. KAUFMAN: Theoretically, you could make
19 it a covenant and that would be part of the deed
20 transfer. In the past we have made recommendations like
21 that as an alert to the governing bodies.

22 THE CHAIRMAN: No other comments? Do we
23 have a motion?

24 MS. VILORIA-FISHER: Motion to table.

25 MS. GROWNEY: Second.

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2 THE CHAIRMAN: All in favor of the motion to
3 table? (Show of hands) **one** . abstention by
4 Mr. Kaufman,

5 MR. BAGG: May I ask specifically, I guess
6 you want responses from the county on Number 19 and 20
7 of Part 2 of the EAF.

8 THE CHAIRMAN: Those are what we have so far,
9 and Mr. Kennedy said specifically he was going to give
10 us written comments.

11 MS. VILORIA-FISHER: On the alternative where
12 it says zero employees, D-8 of Part 1. It says zero
13 elimination of employees.

14 THE CHAIRMAN: I think we also want to
15 explore what we were just discussing, the idea of
16 putting covenants in as we move forward, whether
17 pesticides or future building or some other issues. We
18 will be doing it had again next month.

19 THE CHAIRMAN: Ratification of
20 recommendations for the legislative resolutions laid on
21 the table. Anyone want to comment on any of these?

22 MR. BAGG: All Type II have been reviewed
23 previously. Richard did discuss the IR 1585 about the
24 restoration of the Helen Keller house, and the council
25 said their previous recommendation for demolition

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2 stands. And currently the Foley facility has been
3 tabled.

4 THE CHAIRMAN: Can we have a motion to
5 accept?

6 MS. GROWNEY: Motion to accept.

7 MS. RUSSO: Second.

8 THE CHAIRMAN: All in favor? Opposed?

9 Motion carries.

10 Proposed expansion of the pavilion of Cupsogue
11 County Park. Nick, good morning.

12 MR. GIBBONS: Nick Gibbons, Suffolk County
13 Parks Department. If you recall, I was here last month
14 with a proposed expansion of an existing pavilion at
15 Cupsogue County Beach Park. It's in the Town of
16 Brookhaven, the western end of Dune Road.

17 Cupsogue Beach is about a mile of oceanfront
18 beach located on the east side of Moriches Inlet
19 opposite Smith County Park. The additional information
20 that was requested with some photos, representative
21 photos of the project area, and then I also went back to
22 the architect and had him clarify a handout that I had
23 provided to the council last month that didn't really
24 show too clearly what was proposed versus what was
25 existing.

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2 So, to go through the handouts I have here,
3 the top is an aerial view of the existing pavilion.
4 It's pretty much oriented north-south. The outline in
5 red is what is proposed as part of the expansion.

6 You may recall it was roughly three thousand
7 seven hundred square foot of expansion. That includes
8 both decking area and interior space as well as a
9 handicapped accessible ramp, which would provide ADA
10 compliant access to our facility, which we currently do
11 not have. We do have an ADA compliant ramp down to the
12 beach, but no effective way to get up to the boardwalk
13 and down to the beach, so this is a project would
14 address that.

15 The numbers represent photos that are on the
16 following pages that show the vegetation currently on
17 site. You will see, as you flip through those, that the
18 area is not heavily vegetated. The first three photos
19 have to do with the north side of the building. Photo 3
20 shows a cluster of trees. Not all of those would be
21 cleared as a result of this project. There are several
22 in the foreground that would not. The extension doesn't
23 come all the way out to the parking lot.

24 Photos 4 and 5 really show the area where the
25 additional deck space would go, or at least a portion of

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2 it and the ADA compliant ramp. Then the other document
3 on the back of that is the previously mentioned revised
4 site plan, which more clearly represents what is
5 proposed versus what is existing. I have a two scale
6 version of that. If anybody is interested enough, I can
7 either pass that around or just let me know if anybody
8 wants to see it. I'll give these to Jim for the
9 council's files.

10 MR. BROWN: The area in red is the only area
11 being affected here?

12 MR. GIBBONS: Yes. Just to be clear, this is
13 it here, would be the deck space. That is staff access,
14 this would be public access.

15 MR. KAUFMAN: I was going to say our
16 conversations of last month concerning this project
17 before that we were worried about massive expansion, and
18 that this might not be a Type II action. We were also
19 worried about removal of trees. We were worried about
20 impacts upon the dune field, et cetera.

21 The plan that has been presented to us, to my
22 eye at this point in time deals with exactly those
23 issues and avoids the problems that we were concerned
24 about to the extent that Nick has told us, that there is
25 going to be revegetation of the problem areas, of the

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2 black pines and things like that. I think that actually
3 is a necessity benefit to all of this.

4 So I think this really conforms to what we
5 have been talking about in the past and what Nick was
6 talking about last month.

7 THE CHAIRMAN: Do you want to make a motion?

8 MR. KAUFMAN: I'm not making a motion. Keep
9 talking, just making a comment.

10 MS. GROWNEY: It does clear up a few things,
11 but there is one question. I brought up last time,
12 that I don't quite see addressed yet. There is this new
13 storage area. I don't see access to it. I don't know
14 what it is. I don't see any stepping stones or ramp. I
15 don't see if there is access to the refrigerator or
16 toilet. It doesn't make sense to me.

17 If there is access to ground level, I don't
18 see any pathways or anything to it. Is it being
19 accessed only to the bathrooms, which is kind of creepy,
20 in my opinion. In my opinion, it's an environmental
21 no.

22 MR. GIBBONS: It doesn't show a chaseway,
23 it's basically for storage of supplies for the Parks
24 Department.

25 MS. GROWNEY: Is it at ground level?

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2 MR. GIBBONS: No, it's at existing elevation
3 of the building. The access will, in fact, be through
4 the public restroom and through the interior space that
5 is accessed through the back of the concessionaire.

6 MR. BROWN: It's Park Department storage?

7 MR. GIBBONS: Right.

8 MS. GROWNEY: There is this L shaped piece
9 that I don't understand that is to the left of the
10 storage area that goes all the way from the parking lot
11 and over it.

12 MR. GIBBONS: That is an existing driveway.

13 MS. GROWNEY: That is going to remain? It's
14 not designated.

15 MR. GIBBONS: It's existing.

16 MS. GROWNEY: I wasn't sure if that was a
17 paved area.

18 MR. GIBBONS: Yes, it is.

19 MS. GROWNEY: It's going to remain paved?

20 THE CHAIRMAN: It's just shadowed in the
21 photo.

22 MR. GIBBONS: It's a stone -- concrete blend,
23 but it's not pavement.

24 MR. KAUFMAN: I've been there. I've seen
25 it.

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2 MR. BAGG: I have a question. What are these
3 structures here that are on the photo?

4 MR. GIBBONS: Picnic tables and lifeguard
5 chairs.

6 MR. BAGG: Storage?

7 MR. GIBBONS: That is exterior storage by the
8 park. We have no interior storage space at this
9 facility.

10 MS. GROWNEY: What will be the main entrance?
11 Now you have this pathway that goes upstairs to the back
12 part of the proposed deck. Is that going to become the
13 new main entry or ramped area to the east, I guess.

14 MR. GIBBONS: I think the predominant use of
15 that will be by staff and/or exiting the deck space from
16 the concessionaire. The majority of the people will
17 still use the existing noncompliant ramps that are both
18 on the east and west side of the building.

19 MS. SPENCER: If I may be so bold as to
20 suggest, since you have no storage indoor building
21 storage at this time, is that all that you need or could
22 you use a little more?

23 MR. GIBBONS: That is all we need of that
24 time of storage. We don't have a maintenance building
25 that stores maintenance equipment. We have a tractor

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2 that stays outside for materials and supplies. This
3 addresses that.

4 MR. BROWN: That looks good.

5 THE CHAIRMAN: Motion by Legislator
6 Viloria-Fisher. What is your motion?

7 MS. VILORIA-FISHER: Neg Dec.

8 MS. GROWNEY: Second.

9 THE CHAIRMAN: All in favor? Opposed?
10 Abstentions? Motion carries.

11 MR. KAUFMAN: Let the record reflect it's a
12 Type II.

13 MR. BAGG: No, if you have a Neg Dec, it's an
14 unlisted declaration. I don't have a Type II Neg Dec.

15 THE CHAIRMAN: Proposed Sewer District Number
16 5. Please give your name and position.

17 MR. RUKOVETS: Boris Rukovets, Public Works
18 Project Supervisor with the Department of Public Works,
19 Department of Sanitation. The issue at hand is
20 replacement of four forcemains in Sewer District Number
21 5, Strathmore, Huntington, the southerly end of the town
22 of Huntington, Half Hollow Hills.

23 In a nutshell, there are five pump stations
24 that deliver the wastewater to the wastewater treatment
25 plant, and they have, four of them are in constant

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2 requirement for emergency service because those are old
3 asbestos cement pipes. What we would like to do is
4 replace four of those force mains, three fully and one
5 partially, two thirds of that pipe. At the same
6 location, we want to do the study first to determine the
7 best method to do the replacement, and then go up.

8 We are looking for guidance from the CEQ on
9 the best way to proceed. I guess I have to mention that
10 prior CEQ review resulted in prior replacement of one of
11 the force mains there. We have identified where we
12 have to make repairs as necessary for the force main
13 systems. They may not cover the desired work at hand,
14 but will cover a portion of that. I'd be happy to
15 answer any questions.

16 MR. BROWN: This is nothing but replacing what
17 is there?

18 MR. RUKOVETS: Correct.

19 MR. KAUFMAN: Steve Brown and I were
20 discussing this issue earlier. A lot of pipes in the
21 1950's and '60's were made with asbestos in sort of, I
22 forget the technical term for it, like Rebar, if you
23 will, like concrete. Now that some of these pipes are
24 essentially starting to fall apart, have there been any
25 issues with groundwater contamination or travel of the

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2 asbestos due to water coming down and transport of the
3 asbestos?

4 MR. BAGG: It gets bound up in the soil
5 column.

6 THE CHAIRMAN: You ask for recommendations.
7 You're not asking for engineering recommendations?

8 MR. RUKOVETS: No. We consider it Type II,
9 but it's up to the council to decide.

10 MS. SQUIRES: Where is the park?

11 MR. RUKOVETS: There are a couple of parks
12 within the boundaries of the sewer district. I'm not
13 sure if it's there on the map that has been distributed.
14 I'll have to get back to you on that.

15 THE CHAIRMAN: Do we have a motion?

16 MS. RUSSO: I make a motion that will it be a
17 Type II action.

18 MR. KAUFMAN: Second.

19 THE CHAIRMAN: Second from Mr. Kaufman.
20 Any further discussion? All in favor? Abstentions?
21 Motion carries. Thank you for your patience.

22 THE CHAIRMAN: Proposed Francis Gabreski
23 Airport, lease of airport building.

24 MR. CEGLIO: Anthony C-E-G-L-I-O, manager of
25 the airport. Our proposal is for a lease of an existing

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2 building at Gabreski by a company called Joe Burns
3 Contracting, who is a small home improvement contractor
4 currently working from his home. This is a twelve
5 hundred square foot building on zero point eight six
6 acres of property. The property is near the
7 intersection of County Road 104 and Louis Road.

8 I included two color maps of the proposed area
9 in your package, if you want to take a look at it. Of
10 these zero point acre, an estimated zero point one acre
11 of small brush and overgrowth is going to be removed.
12 The airport conservation and assessment panel, which is
13 comprised of community members and airport users through
14 County Executive Order 26, 2006 met on the proposal
15 already. They are an listed action with a negative
16 declaration an the department concurs with that
17 recommendation.

18 If there are any other questions about the
19 proposal. I'm here to answer it.

20 MS. RUSSO: What does this new person plan on
21 storing outside in that cleared zero point?

22 MR. CEGLIO: Roughly, I think it's three
23 construction trucks, vans, contractor trucks.

24 MS. RUSSO: Any implication to make sure his
25 trucks don't leak any petroleum fluids so there is no

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2 contamination into the ground?

3 MR. CEGLIO: We proposed that he put down
4 some gravel where he is going do park the vehicles. It
5 could be impervious. It could be asphalt.

6 MS. RUSSO: The gravel would let it percolate
7 into the sand anyhow.

8 MR. CEGLIO: So it should be impervious. He
9 agreed to install whatever we wouldlike him to install
10 for the parking area, so we can do that. It could be
11 part of his lease.

12 MS. GROWNEY: I have a couple of questions.
13 The access to that, it doesn't show a direct -- the
14 driveway doesn't show a direct driveway to the building
15 itself. Is that whole area just dirt now?

16 MR. CEGLIO: As you can see on the photo,
17 there is a kind of a dirt driveway to the east.

18 MS. GROWNEY: Is there any kind of storage?
19 You said it's a home improvement contractor.

20 MR. CEGLIO: Yes.

21 MS. GROWNEY: He could have chemicals and all
22 kinds of things that he uses for his business. Are
23 there any kind of storage restrictions, either inside or
24 outside, that are being placed in his agreement?

25 MR. CEGLIO: He indicated that there will be

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2 no chemical storage. I imagine there could -- it's
3 going to be controlled by the Town of Southampton and
4 zoning and building requirements. He has to go before
5 them also.

6 MR. BAGG: It's governed by the Health
7 Department. He has to meet Health Department standards
8 for storage of chemical and toxic materials.

9 MS. VILORIA-FISHER: Where is the one hundred
10 foot driveway going to be? It doesn't say. There is
11 construction of a one hundred foot driveway.

12 MR. CEGLIO: The dirt driveway that is there
13 right now, he will use that as access and from that
14 driveway into the building.

15 MR. GROWNEY: He's just going to continue on
16 the dirt?

17 MR. CEGLIO: We asked him, so he doesn't drag
18 dirt onto County Road 84, to put some kind of asphalt
19 apron.

20 MS. VILORIA-FISHER: There are just two
21 employees. They're going in and out. They're not going
22 to be housed there all day.

23 MR. CEGLIO: It's a little office and storage
24 of his truck at night. Right now, he stores them in his
25 house. There is an overhead storage facility there

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2 now. He's going to store lumber or saws, that kind of
3 thing.

4 THE CHAIRMAN: Unlisted Neg Dec.

5 MS. SPENCER: Second.

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

9 We're going to table Cedar Point County Park
10 Master Plan because that probably will take some
11 considerable debate. We will postpone the update on
12 county parks because of our schedule. Is there any
13 other business;

14 MR. BROWN: I have one. EPA was doing dredging
15 in Port Jefferson Village with regard to cleaning up
16 some of the Lawrence Aviation plume. Did anyone come
17 from the county?

18 THE CHAIRMAN: Not that I know of.

19 MS. VILORIA-FISHER: The county was invited.
20 We have people from DPW. When the mayor invited EPA to
21 come down because of various issues with Mill Creek
22 there. So I know DPW has been apprised of what has been
23 going on. You know, we just had the problem with the
24 main that had a problem there right off Barnum Avenue
25 and that street was closed off for over a week. DPW has

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2 been aware as the process has been moving forward.

3 MR. BROWN: There is a flow that goes
4 directly underneath that right through state road up to
5 Port Jefferson Harbor. There are no barriers or
6 anything installed there.

7 MR. GULBRANSEN: They dredged that.

8 MR. BROWN: They dredged the creek before
9 that, by Barnum Avenue. So if anybody else was doing
10 that, the DEC would have been down there saying hey, you
11 have to block that off.

12 MS. VILORIA-FISHER: The DEC was at the table
13 too.

14 MR. BROWN: I want to know if anybody was
15 involved with that here.

16 THE CHAIRMAN: Not as a CEQ action that I can
17 recall.

18 MS. VILORIA-FISHER: There is no county.

19 MR. BROWN: County beach property is there.

20 MS. VILORIA-FISHER: Not directly there.

21 MR. BROWN: The piece that you bought right
22 on the corner there.

23 MS. VILORIA-FISHER: The Barnum Avenue piece
24 is there, but the work is a little west of that where
25 the water runs, so our DPW has been involved in it. And

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2 DEC. EPA, everybody was at the table, but EPA is
3 driving the bus.

4 MR. KAUFMAN: It wouldn't come to us unless
5 it was an official Suffolk County action, which it is
6 not.

7 THE CHAIRMAN: I have not properly welcomed
8 Joy back; we missed you. After every meeting, Joy gives
9 me a little lecture.

10 MR. KAUFMAN: For the record, he deserves
11 it.

12 MS. SQUIRES: I don't.

13 THE CHAIRMAN: Sometimes it's about my ties,
14 which basically you like. Anyway, Joy, it's great to
15 have you back and I hope you are in good health.

16 MS. SQUIRES: I had a hip replacement and six
17 weeks after I had my hip replacement, I had a stroke.

18 MS. VILORIA-FISHER: None of us knew.

19 MS. SQUIRES: It affected my communication
20 skills. So I'm going to speech therapy and physical
21 therapy and everything, but I am **attending** meetings.
22 It affected my spelling, my handwriting, my keyboarding
23 skills.

24 THE CHAIRMAN: You sound great.

25 MS. SQUIRES: Thank you. I don't sound

1 May 19, 2010 CEQ meeting

2 wonderful toward the end of the day when I am speaking
3 for a long time.

4 THE CHAIRMAN: Thank you for coming back.

5 MS. SQUIRES: You can't get rid of me.

6 THE CHAIRMAN: Do we have a motion to
7 adjourn?

8 MR. KAUFMAN: Motion to adjourn.

9 MS. GROWNEY: Second.

10 (Time noted: 12:00 p.m.)

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CERTIFICATION

STATE OF NEW YORK)

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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 Couty Council on Environmental
Review meeting held on May 19, 2010.

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

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

Judi Gallop
JUDI GALLOP