

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson
CHAIRPERSON

Michael Mulé
SENIOR PLANNER

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, October 20th, 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:

**Michael P. Mulé
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, October 20, 2010 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>

May, August and September minutes available on line for review and approval

Correspondence:

Public Portion:

Historic Trust Docket:

Director's Report:

Updates on Housing Program for Historic Trust Sites

Updates on Historic Trust Custodial Agreements

Updates on EDF plaque for Stony Brook Post Office

Suffolk County Parks:

Updates on County Parks

LOCATION

H. LEE DENNISON BLDG. - 4TH FLOOR
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS

P.O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-5191
fax (631) 853-4044

Project Review:

Recommended TYPE I Actions:

Recommended TYPE II Actions:

- A. Ratification of Recommendations for Legislative Resolutions Laid on the Table September 16, 2010 and October 12, 2010.
- B. Vector Control – 2011 Annual Plan of Work

Recommended Unlisted Actions:

- A. Proposed Declaration of 95.3 acres of Industrial/Commercial Zoned Property surplus/offer for sale, Town of Brookhaven.
- B. Proposed SD#22 Hauppauge Municipal Recharge Improvement Project, Town of Islip
- C. Proposed Acquisition for Open Space Preservation Purposes Known as Forge River Watershed Addition – Shaw Property, Town of Brookhaven
- D. Proposed Acquisition for Open Space Preservation Purposes Known as Woodhulls Landing Woodlands – PEFCOS Realty Corporation Property, Town of Brookhaven
- E. Proposed Acquisition for Open Space Preservation Purposes Known as Three Mile Harbor County Park Addition – Boys and Girls Harbor, Inc. Property, Town of East Hampton

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.

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

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

ORIGINAL

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SUFFOLK COUNTY DEPARTMENT OF PLANNING

COUNCIL ON ENVIRONMENTAL QUALITY

H. Lee Dennison Building
Hauppauge, New York 11788

October 20, 2010

9:35 a.m.

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MEMBERS PRESENT:

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

ALSO PRESENT:

- THOMAS ISLES, Director of Planning
- LORETTA FISCHER, Principal Environmental Analyst
- MICHAEL MULE, CEQ Staff
- CHRISTINE DeSALVO, CEQ Staff
- JOY SQUIRES, CAC Representative
- MICHAEL PITCHER, Representing Presiding Officer Lindsey
- THOMAS YOUNG, ESQ., Assistant County Attorney

S.C. PLANNING DEPT.
2010 DEC -9 AM 11:32

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2 THE CHAIRMAN: I'd like to call the meeting
3 to order. We do have a quorum. Welcome to the October
4 CEQ meeting. Anybody check the May, August and
5 September minutes which are now available on the Web?

6 MR. MACHTAY: August and September I have
7 read. I've sent comments to Christine and I am
8 comfortable with both sets of minutes with the
9 corrections.

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

11 MR. MACHTAY: I'll make a motion to move
12 August and September minutes. May I was not here for.

13 LEG. VILORIA-FISHER: I'll second the motion,
14 but I want to hear the corrections before the vote; is
15 that okay?

16 MR. MACHTAY: I didn't save the changes. I
17 sent them to Christine.

18 MS. DeSALVO: I can get the corrections.

19 THE CHAIRMAN: Would you, please?

20 MR. KAUFMAN: Are they extensive?

21 MR. MACHTAY: No, not at all.

22 LEG. VILORIA-FISHER: They're probably
23 grammatical.

24 THE CHAIRMAN: While Christine is gone, I'll
25 call your attention to the correspondence.

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2 MR. MACHTAY: Page 18, Line 9, the word
3 "patrol" was in there and I think it should have been
4 "control." That was, I think, Tom Isles speaking. Page
5 21, Line 4, just the line just made no sense to me. It
6 was a little garbled. Page 25, Line 25, "transfer or
7 title" should have been "transfer of title." Page 42,
8 Line 7 "not" should probably be "national." They were
9 talking about the National Register of Historic Places.
10 Line 6, Page 43, after the term "SEQRA," you should
11 probably add "is nominated to the National Register."
12 We were talking, once again, what constitutes requiring
13 a SEQRA review. If it's nominated to the National
14 Register, not on the National Register. Those were my
15 only comments.

16 THE CHAIRMAN: That was for August.

17 MR. MACHTAY: As I said, for September it was
18 just a few spelling errors and I didn't bother to --

19 THE CHAIRMAN: Legislator Viloría-Fisher, do
20 you have any comments?

21 LEG. VILORIA-FISHER: No, I just wanted to
22 hear them to see if they were substantial changes.

23 THE CHAIRMAN: Any other comments? We have a
24 motion, we have a second. All in favor? (Show of
25 hands) I have to abstain on the September minutes

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2 because I was absent. So the motion carries.

3 Correspondence, there are several items here
4 with regard to the Hauppauge sewage treatment plant
5 which will come up later in the agenda, so we will cover
6 those at that time. Historic Trust. Rich.

7 MS. SPENCER: Rich isn't here today and there
8 was nothing urgent to report.

9 THE CHAIRMAN: Very good. I'm going to,
10 because of the day's schedule, which has several
11 potential issues, postpone the Suffolk County Parks
12 discussion until later in the program, so we will move
13 onto recommended Type I actions project review. I guess
14 we don't have any recommended Type II Actions.

15 Ratification and recommendations for the
16 legislative resolutions laid on the table. Anybody want
17 to call any attention to any particular ones, Mike?

18 MR. MULE: Mostly Type II Actions, no Type
19 I's.

20 THE CHAIRMAN: There was one significant one
21 in there for us, and that is Jim Bagg has been appointed
22 a member of the committee.

23 LEG. VILORIA-FISHER: The guy can't stay
24 away. We've become a habit to him.

25 THE CHAIRMAN: That will be very helpful to

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2 all of us, since has such a long history with us.

3 DIRECTOR ISLES: Is that a Type I Action?

4 MR. KAUFMAN: It should be a Pos Dec also.

5 THE CHAIRMAN: This is my favorite time of
6 the year. Mr. Ninivaggi, are you here to speak about
7 vector control? I'm sorry, we have to vote on the
8 legislative resolutions.

9 MR. KAUFMAN: Motion to accept.

10 LEG. VILORIA-FISHER: Second.

11 THE CHAIRMAN: Any further discussion? All
12 in favor? Opposed. Motion carries. Mr. Ninivaggi.

13 MR. NINIVAGGI: Every year at this time,
14 under the county charter, Vector Control has to submit
15 its annual plan of work to the county legislature for
16 approval, which is why it's before you now. As those of
17 you who were involved in the process are aware, we went
18 through a very involved and lengthy process to do a
19 vector control and wetlands management long-term plan
20 and EIS, and now that that is done, as long as our
21 annual plans are in conformance with that EIS. SEQRA is
22 satisfied. So I'm giving you my annual plan for 2010.
23 It's very similar to the last two or three plans that
24 were under the EIS, the post-EIS plans.

25 There are a couple of minor differences from

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2 last year's plan that I just want to bring to your
3 attention. On the larvicide products to be used, I have
4 added at the very bottom of the list 4 Star briquets.
5 That is on Page 4 of the plan. That is a combined ETI
6 and B-sphaericus product. It uses active ingredients
7 that were evaluated in the EIS. In 2010, we actually
8 did obtain a permit from DEC for a product and they
9 agreed with us because it used active ingredients in the
10 EIS, SEQRA was satisfied for the DEC permit as well.

11 We didn't get a chance to use that material
12 operationally this year because of the very high level
13 of West Nile activity we had. We wanted to do some
14 trial applications to see how the product works for us.
15 What we have in mind this year is to try and do that
16 again, these are briquets that last ninety days and they
17 can be used in catch basins, basically instead of our
18 one hundred fifty day Altosid briquette. We wanted to
19 try to get a bacterial product for the catch basin
20 application. We just want to see how well it works.

21 One of the differences is the Altosid
22 briquette is actually a special shape called an ingot
23 that goes through the grates of the catch basin easily.
24 That is one of the advantages of that product. These 4
25 Star briquets have a little different shape. We are not

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2 sure they will go through the grates. We thought if we
3 could add another bacterial product, we would like to do
4 that.

5 MR. KAUFMAN: The ninety day versus a hundred
6 fifty day, that is going to put a greater load upon your
7 application schedules and your people.

8 MR. NINIVAGGI: What we will probably do is
9 apply the ninety day briquets a little later in the
10 season. Usually, we treat a lot of catch basins. What
11 we can do operationally. The ones we are treating
12 early in the season, say late May, June, we can use the
13 one hundred fifty day. As that rolls along and we get
14 into the summer, we can go with the ninety day product.

15 We like to rotate active ingredients. We like
16 to have more than one active ingredient that we can use
17 in the same type of treatment sites to prevent
18 resistance. That we will work in into the program in
19 the coming year, depending on the details and work load,
20 when you use a product for the first time, you try to go
21 out and do a little bit more follow-up and a little bit
22 more evaluation of how well it works then if it's part
23 of your standard program. That takes some time and
24 effort from the technical staff, the entymologists,
25 biologists, and this year, with the very high level of

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2 West Nile activity, we were pretty much overwhelmed with
3 responding to the virus.

4 Another minor change from previous years, 2010
5 DEC issued an Article 24 freshwater wetlands permit to
6 cover adult mosquito control in freshwater wetlands.
7 Previously, if we had to treat in freshwater wetlands
8 for adult mosquitoes, it would be a response to virus,
9 and we would have to get an emergency authorization from
10 DEC. The Article 24 permit does away with the need for
11 emergency authorization. It's an advantage for us and
12 for DEC in that we have pre-filed maps where we are
13 likely to treat. We don't have to go through a sudden
14 scrambling around to get an emergency authorization.
15 All the paperwork is pretty much done. All the
16 evaluations of no spray areas, all those things are
17 already done. It's a much more businesslike routine
18 approach than having to declare an emergency.

19 That permit also allows us, in certain areas
20 in southern Brookhaven where we have chronic
21 infestations, to treat adjacent and on some freshwater
22 wetlands if we don't have virus present that. Is
23 mainly in the Mastic Beach, Shirley, Brookhaven Hamlet.
24 Those are areas where people actually live in mapped
25 freshwater wetlands. By being able to treat those

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2 areas, we are able to do a better job of controlling the
3 mosquitoes where those people live, and we actually did
4 one application under that permit this year, and because
5 we were able to do a better job of treating the entire
6 area, we got better control with one application. We
7 didn't have something in for repeat applications. That
8 is another advantage of working with a permit.

9 MR. KAUFMAN: Do you still have to notify DEC
10 before you come in outside of the Mastic area before you
11 do a freshwater spraying?

12 MR. NINIVAGGI: Yes, basically it's a general
13 permit where the perimeters are set forth, particularly
14 if it's a previously known area. You have a filed map.
15 So we already agreed with them as to which areas to
16 spray, not spray, what the boundaries look like. If we
17 need to treat an area for virus, the health commissioner
18 informs DEC that we need to do this and we are going to
19 spray. According to this map, they can look at it to
20 make sure it's in conformance, but we can go out and do
21 what we need to do.

22 MR. KAUFMAN: DEC changed its mind from a
23 couple of years ago and making it more regular, if you
24 will.

25 MR. NINIVAGGI: This is something we have

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2 been working on for some time. I think in general,
3 DEC's attitude has become a little bit more local
4 government friendly. I think they have come to realize
5 that we are all taxpayer organizations. We are all
6 working for the same employer, essentially, and we are
7 working much more closely together.

8 The other thing is we discussed this kind of
9 permit for quite some time with DEC, but we weren't able
10 do it until the EIS was passed. Now that we have the
11 EIS in place, it allows for things like this general
12 permit. Another benefit of the EIS is allowing it to
13 regularize the program. It's a big advantage for the
14 DEC over the winter to see where we want to spray for
15 virus. We can talk about it in February instead of
16 virus popping, and we will we have to get out there
17 tomorrow.

18 On the regulatory front, I mentioned in the
19 EAF that as of April 2011, Clean Water Act permits will
20 be required for pesticide applications adjacent to
21 water. It's the SPEDS permit, and DEC plans to issue
22 general permits to provide coverage under that law to
23 regulate that. I'm working -- actually, I have a
24 conference call with them this afternoon. As we were
25 working on trying to figure out what the permits should

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2 look like, we are not anticipating any operational
3 change as a result of the SPEDES program, but we have to
4 get those permits to be in compliance. We are working
5 closely with DEC on that.

6 As you may have heard, the Clean Water Act
7 lawsuit brought against the county has been settled.
8 We're continuing our program as we had in the past.
9 There has been no finding at all on either side. No
10 money has changed hands. That legal challenge is also
11 over. On the water management issue, wetlands
12 stewardship is still working on things like the Wetlands
13 Stewardship Program and the planning operation on that.
14 We are continuing to do relatively minor maintenance
15 work in terms of water management.

16 This year we did work with DEC on a couple of
17 their properties. They have issued themselves a general
18 permit for maintenance and upgrading of water control
19 structures on their property, and they had two
20 properties, Lineman Marsh and Namty Creek, where they
21 were concerned about the lack of tidal circulation; we
22 were as well. We worked under their permits, so they
23 complied with SEQRA under their permits and we did
24 restore some tidal flow in those two marshes. We have
25 been keeping an eye on that, along with DEC. We are

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2 both pleased with the results. It seems like it reduced
3 the phragmites growth in those marshes and it's at least
4 mosquito neutral. This is another example of a higher
5 level of cooperation with the DEC, and we hope to
6 continue that in the coming years.

7 THE CHAIRMAN: You referred to the Wetlands
8 Stewardship Program. Isn't that, in fact, a requirement
9 that that be accomplished now?

10 MR. NINIVAGGI: It was supposed to be
11 finished now. I know that some of the final reports are
12 being put together for that in cooperation with the
13 Wetlands Stewardship Committee. I don't know, I'm not
14 quite sure what the current thought is on when that will
15 be submitted. That will be if not by the end of the
16 year, we may have to ask for an extension.

17 THE CHAIRMAN: What is the implication to the
18 overall EIS by not having that accomplished on time?

19 MR. NINIVAGGI: Well, what I would say is we
20 would have to continue. You won't be doing any of the
21 higher level management practices until the stewardship
22 report is in.

23 THE CHAIRMAN: Could I ask you to submit a
24 letter to us explaining the status of that report and
25 how it will affect your operation in the coming year if

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2 it's not delivered on time?

3 MR. NINIVAGGI: I can do that. I will also
4 work -- that is a program that is run by the Department
5 of Energy and Environment. I'll work with them on
6 putting to something together.

7 THE CHAIRMAN: We were very concerned that
8 everybody stick to the time table and so forth that was
9 established, I guess three years ago, and I think we
10 need to try to stick to that.

11 MR. NINIVAGGI: To be fair, there were a lot
12 of delays in first deciding how to hire a contractor,
13 and then getting the contractor in place. A good year
14 or more was spent just in that. If you remember, right
15 after the EIS was finished, it was thought that that
16 would be a cooperative effort by Nature Conservancy and
17 Cornell. After, I would say a good year, they decided
18 they weren't able to do that. Then some time was spent
19 deciding exactly what process to use to bring in a
20 contractor.

21 Now we do have a contractor team in place led
22 by LKB. There are delays associated just with starting
23 that.

24 THE CHAIRMAN: My concern is, as you know,
25 there was a little bit of public interest in this whole

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2 issue. And the last thing I want to see is that the
3 public interest gets heated up again because we are not
4 able to comply to the schedule that we originally
5 established.

6 MR. NINIVAGGI: I agree, and also we set some
7 ambitious goals for reducing pesticide use, particularly
8 control of mosquito larvae out in the salt marsh, which
9 is one of our major uses. The best way to reduce
10 pesticide use without tolerating more mosquitoes is to
11 do improved wetlands management. Nobody is more anxious
12 than I am to get this stewardship program going and get
13 improved wetlands management out there.

14 LEG. VILORIA-FISHER: Dominick, how have
15 staff or lack of staff impacted this? Because I know
16 there was a retirement incentive. We lost many high
17 level people in our departments who might have been
18 working on this, and I know that staffing was a bare
19 bones level while we were supposed to be working towards
20 this report. How is your staff doing these days?

21 MR. NINIVAGGI: We haven't lost any of the
22 staff that were working on the regulatory planning type
23 issue. We do have an open biologist position and lab
24 tech position, which were not part of the incentive.
25 They're still in the budget. As to whether we will be

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2 able to fill them or not, that is an issue that relates
3 to the economy and to expenses.

4 For the early retirement incentive, we did
5 have three people go on ERI. We had both my clerical
6 staff go, and a foreman. The foreman, we basically
7 reorganized to absorb that and we may promote another
8 fellow into the foreman. When you have multiple
9 foremen, it's easier to absorb when you a lose one. The
10 clerical staff, we had two people in the office. Those
11 positions have been abolished, but a new position has
12 been created, a slightly lower~title for the 2011
13 budget. We hope to hire a new person as soon as
14 possible.

15 In DPW, there were only two positions created
16 to replace ERI people and I got one of them. I have to
17 say I have been treated fairly, considering how many
18 people went. During the summer, one person in the
19 office will not be adequate and we will have to look at
20 temporary work coverage in the summer with the high
21 workload. I have a temporary person from civil service
22 working with us this fall doing the clerical duties in
23 my office. I have somebody in there. The phone is now
24 being answered again.

25 LEG. VILORIA-FISHER: I was concerned when I

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2 heard you were answering your own phone.

3 MR. NINIVAGGI: We had to shift calls to the
4 Health Department hotline. Now I do have somebody in
5 the office again. So she has picked up the slack on
6 that. Hopefully, we can be allowed to fill that new
7 position early in the year in 2011, so we have that
8 person fully up to speed. As far as how we will handle
9 the increased phone traffic in the summer, that is
10 something we will have to look at when we get to the
11 summer.

12 LEG. VILORIA-FISHER: I think I was referring
13 more to the wetlands management.

14 MR. NINIVAGGI: We haven't lost any positions
15 relating to producing these reports and doing the
16 wetlands management.

17 LEG. VILORIA-FISHER: I know there were
18 people from Health who were providing support to that
19 and I thought we lost some of them.

20 MR. NINIVAGGI: None that worked directly on
21 this.

22 MR. KAUFMAN: We are talking about
23 schedules. First off, are the tri-annual report, which
24 is supposed to be produced in three years, is one of the
25 deadlines things to get out. In discussions with you

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2 and some of the other people at the Pesticide Management
3 Committee, which I'm on, it looks like that would have
4 slipped a month or so possibly December, possibly
5 January. I think we are going to be getting a letter on
6 that requesting a postponement by a month or so. That
7 will summarize the effort over the last three years that
8 it was a requirement of the EIS.

9 Second off, just to add to something that
10 Dominick was talking about regarding wetlands
11 management, one of the consultants who is working on
12 that is here today, John Gerlach, from Lockwood, Kessler
13 & Bartlett -- he's not here for that purpose. That plan
14 is going forth, this there has been a lot of data
15 produced on that. We actually have a draft strategy out
16 there that is being whipped into shape at this point in
17 time. When it will become available? That I can't
18 answer, but I'm starting to see the paperwork flowing
19 and there is stuff out there. Obviously, we lost a year
20 with the contract situation, but essentially call it an
21 EIS at this point in time, the work plan is
22 progressing. Has a fair amount of substance to this. I
23 think that is a fair statement to make?

24 MR. NINIVAGGI: Yes. There is a lot of work
25 being done on that. It's just a matter of this has to

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2 be produced and then reviewed by the Wetlands
3 Stewardship Committee, so there is a process. That has
4 to go through the committee to make this happen.

5 MR. KAUFMAN: It's starting to coalesce now
6 that the basic research has been done and it's actually
7 starting to move.

8 MR. NINIVAGGI: I prepared the annual plan of
9 work. The county legislature passed a bill.
10 Unfortunately, I don't have the resolution number in
11 front of me that calls for the county's use of the code
12 red emergency system when we are treating for adult
13 mosquitoes. Code red is a system where a recorded
14 message can be sent to all the telephones in a
15 geographic area. What this legislation calls for is if
16 we are treating an area for adult mosquitoes, we can
17 send a recorded message to everybody in that area
18 saying, for example, tomorrow night at such and such
19 hours, we will be treating for adult mosquitoes. You
20 might want to close your windows. For further
21 information, look at our Website or hotline.

22 This addresses an issue that has been a
23 difficult one in that we have a public notification law,
24 and we tend to rely on the media to let people know that
25 we are spraying in an area. It's difficult to get the

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2 word out. We did a lot of treatments this year where
3 people called after the treatment. It wasn't that they
4 were upset that they sprayed, because they recognized
5 the need, but they wanted to know that we were spraying
6 to close the windows, tell the kids to come indoors. I
7 think that is a fair thing to do. With the technology
8 in place we can actually place a phone call to every
9 household saying heads up, we're going to be spraying.
10 The technology is already there. It's in place. We
11 looked at this, we think we can manage that and we will
12 be working on that over the winter.

13 The big question I don't know yet, if we call,
14 it's possible that on a single night we might make
15 twenty thousand phone calls, if we are spraying a lot of
16 areas particularly at night. If one percent of the
17 people in that area decide to call my office to find out
18 what is going on, that will be two hundred phone calls
19 coming in that morning. That is a potential problem.
20 We are hoping that we can direct people to the Web and
21 recorded calls, but we will have to deal with that as it
22 comes through. The experience that I have heard from
23 other jurisdictions that do this it's not an
24 insurmountable problem. I think to address the concerns
25 people have about public notice, I think it's a

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2 worthwhile thing to do.

3 THE CHAIRMAN: Could you also summarize the
4 mosquito situation this summer and how it compared to
5 Nassau County, Conneticut, whatever comparisons you
6 have.

7 MR. NINIVAGGI: This was the highest year of
8 West Nile activity that we have seen here since the
9 virus was first found in 1999, in Suffolk County.
10 Generally in this year, we had about two hundred
11 ninety-five positive mosquito samples. Mosquito samples
12 came in positive early, and with the hot weather, we
13 knew we were in for a very severe season; that turned
14 out to be true. You have, on the back of the plan, our
15 acreage figures for pesticide use, and we treated
16 approximately fifty-two thousand acres for adult
17 mosquitoes. The overwhelming majority of that was in
18 direct response to West Nile virus.

19 On a year we don't have a lot of virus
20 activity, we might treat fifteen thousand acres, we
21 treated a lot more acres than we usually do because of
22 the spray levels of virus activity. My understanding
23 right now is we have fifteen confirmed human cases in
24 Suffolk County, unfortunately, one fatality. Nassau
25 County had very high levels of virus activity and human

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2 involvement. I understand they had two fatalities.
3 Approximately fifty human cases for the same population
4 in a smaller geographic area.

5 There are probably a couple of different
6 reasons for that. Ecologically, Nassau County is a
7 little bit different from us. Nassau County tends to
8 resemble the western part of our county, which is where
9 we saw the highest activity in our county. I think that
10 there are also differences in the control program.
11 Around August we did get a call from Nassau County that
12 they wanted to do some truck mounted separation for
13 adult mosquitoes, and it turns out that they only had
14 one person with the proper license to do that. They had
15 four trucks, but only one person with the proper
16 license. We had to execute an intermunicipal agreement
17 and sent some guys over to drive their trucks. Not that
18 we weren't busy enough with our county, but we realized
19 it was a public health situation.

20 In 2008, they had a lot of activity. We
21 didn't send assistance at that time. They had a lot
22 more cases than us, so I felt that this year, even
23 though it was putting a strain on our resources, we had
24 to do that. We did send crews there to help them with
25 the truck mounted treatments. They decided to treat

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2 earlier than they did in 2008 because they realized that
3 virus is a problem. They brought in fixed wing
4 aircraft. In two nights treated with seventy-seven
5 thousand acres by fixed wing aerial. In those two
6 nights they treated more acreage for adult mosquitoes
7 than we did in the entire season. They had a lot more
8 human involvement.

9 Under our program, by having a lot of
10 preventative activity and a lot of good surveillance, we
11 tried to be very focused in terms of where we spray. We
12 were able to keep our spray acreage relatively low, and
13 our human involvement, while still high, could have been
14 far worse. I think one other big difference is because
15 we have twenty-five people who can apply pesticides
16 compared to four or five in Nassau. We were able to do
17 a lot of larval control. We did some twenty to thirty
18 thousand catch basins in some of the high West Nile
19 activity areas. We did a lot of larval control using
20 the one hundred fifty day briquets.

21 Nassau doesn't use the one hundred fifty day
22 briquets, they use the short-term briquets. I'm hoping
23 Nassau county improves their program in the coming year.
24 I think they need to get more licensed operators. I
25 think their spray strategies need improvement, but it's

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2 their county. It was a very difficult year for both
3 counties. While we had tried to help them out, I had to
4 be cognizent of the fact that I can't be running two
5 counties and do a good job. I tried to provide them
6 with technical advice and advice how to do things, but
7 ultimately my job is to do the best job I can here in
8 Suffolk County.

9 THE CHAIRMAN: Could I have a motion?

10 MR. KAUFMAN: The question is what should the
11 motion consist of; we are not typing it, more accepting
12 it?

13 MR. MULE: Recommending approval by the leg.

14 MR. KAUFMAN: I make a motion that we
15 recommend approval.

16 MR. MACHTAY: Second.

17 THE CHAIRMAN: All in favor? (Show of hands)
18 Motion carries.

19 Recommended unlisted action, proposed
20 declaration of ninety-five point three acres of
21 commercial zoned property surplus. Anybody here to
22 speak on that?

23 THE FLOOR: Legislator Kennedy said he would
24 be between ten or fifteen minutes late.

25 THE CHAIRMAN: Proposed Sewer District 22.

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2 Town of Islip. Welcome.

3 MR. WRIGHT: Ben **Wright** with Public Works.

4 I'm here to restate the request that I made in the
5 memorandum early in month concerning assistance with the
6 scoping hearing on this particular project. And
7 realizing that members of the CEQ have a lot of projects
8 and this goes back three years, I want to give some
9 background on the project itself. We prepared an
10 Environmental Assessment Form in November, 2007. I
11 presented a project where we have some recharge issues,
12 poor soil conditions across the street for our sewers at
13 22 Hauppauge municipal.

14 We were looking at some options and became
15 aware of some county property that was some three or
16 four thousand feet to the west and prepared the
17 Environmental Assessment Form based on utilizing that
18 property. During the CEQ meeting, there was a lot of
19 discussion on whether or not it should be Unlisted
20 Type I and there was some opposition by Legislator
21 Kennedy, and some community representatives that were
22 there and the resolution that was adopted indicated
23 Unlisted Positive Declaration, and we should go through
24 a DEIS scoping hearing, prepare a EIS and coordinated
25 review.

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2 There was discussion. We went through the
3 process of obtaining funding. We hired a consultant,
4 Lockwood, Kessler & Bartlett, and they prepared what is
5 still a draft feasibility report, which will be
6 finalized in the near future, but it does look at
7 alternatives. We are requesting CEQ to assist us in
8 initiating the scoping hearing, to meet with
9 representatives to develop the scope and then proceed
10 further.

11 A brief description of the project, I think,
12 would be appropriate, and John can do that if you have
13 some time to hear it, but our basic request today is
14 just can you assist us in initiating the scoping
15 hearing?

16 THE CHAIRMAN: We are becoming proficient in
17 scoping hearings; be glad to help you. Before you
18 start, Mike, do you want to make a comment?

19 MR. MULE: Are you planning on preparing a
20 scoping document before the scoping hearing so we can
21 send it out with the notice so people can digest it, or
22 some type of project description that we can send out
23 with the notice?

24 MR. WRIGHT: We have a project description
25 that John can distribute today. Looking at the SEQRA

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2 documents, there are a number of issues that need to be
3 addressed in the scoping hearing, but we didn't want to
4 do that without some assistance from CEQ. Whatever
5 schedule and plan that you suggest, we will do.

6 LEG. SCHNEIDERMAN: Can I interrupt a second?
7 Both John and I have to go to budget meetings because
8 both of us have to leave.

9 THE CHAIRMAN: I would appreciate it, if you
10 want to stick to the agenda, that you get here on time.

11 LEG. KENNEDY: I apologize for my late
12 arrival. As my colleague said, we are in the midst of
13 doing a budget process, which is quite challenging, to
14 say the least. You had 1670 before you. I would ask
15 you today if you would go ahead and consider IR 1670 and
16 after your consideration, treat it as a -- issue a Neg
17 Dec on it. IR 1670 I introduced actually in the
18 beginning of April or May at a time when it appeared
19 that we had some challenges before us budgetarily. I
20 can tell you today, as we are sitting going through the
21 budget, it is Herculean, the challenges that we have
22 before us.

23 One of the first things that we point to is to
24 look at 1670 and consider it as an Unlisted Action and
25 Neg Dec is because the county executive himself has

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2 elected to go ahead and include revenue from the sale of
3 Parcel D, I believe it is. Ninety-five acres associated
4 with the border of Legacy Village. As everybody on this
5 board knows, that ninety-five acres is actually the only
6 segment of the larger project known as Legacy Village
7 that is zoned industrial, and therefore, would be most
8 compatible with an outright sale.

9 Members of the board here I believe are
10 familiar with the surplus declaration process. If you
11 look at 1670, you will see what we included in there is
12 a declaration of surplus on the part of the legislature
13 and in the direction to the division of real estate to
14 offer the property in conventional auction form, much as
15 there is an auction going on, I believe it's today and
16 tomorrow for tax parcels. This is based on a number of
17 realities that we have before us, least of which is, as
18 I've said, we have very, very significant challenges
19 associated with trying to adopt the 2011 budget.

20 That Parcel D characterized in the project
21 known as Legacy Village had a set amount, that by the
22 county executive and administration's own
23 acknowledgement, is probably below market value.
24 Ninety-five acres at twelve million worked out to be
25 about a one hundred twenty thousand dollars an acre.

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2 Based on a thumbnail of recent commercial transactions
3 in about a one to two mile perimeter, it's anywhere from
4 forty to fifty thousand dollars an acre below what arm's
5 length transactions have been recently.

6 Candidly, we need the money and we need the
7 money now. There may be a vision that had been
8 articulated about some larger multi-year plan that might
9 have realized some revenues in 2014, 2015. We don't
10 have that luxury right now. That is the reason I put in
11 the resolution initially because of some general
12 inclinations we were going to hit some severe budget
13 constraints.

14 LEG. VILORIA-FISHER: Just a short
15 interruption. I also serve on the budget working group
16 with you. What we have to do here is not deal with the
17 budgetary ramifications, but rather deal with SEQRA. We
18 already have an EIS that is being developed. Let's go
19 to that.

20 LEG. KENNEDY: My colleague always kind of
21 zeros in on the crux and essence. There is a line of
22 cases in the State of New York that speak about
23 alternative methods to view disposition of property.
24 Legislator Viloria-Fisher is correct, there has been a
25 Pos Dec on the broader plan known as Legacy Village

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2 because it involves very significant determinations on
3 the part of the County of Suffolk for characterizing
4 land that is not zoned in a particular use factor now.
5 Proposing huge or very large stadiums, work on sewage
6 treatment plants and things, thus and such. It has been
7 shopped and developed and we have seen renderings and
8 it's been carted all over.

9 My plan does one thing. It says there are
10 ninety-five acres in the inventory of the County of
11 Suffolk. They are presently zoned commercial
12 industrial. Let's offer them for sale. It has nothing,
13 no long term vision, no ultimate mapping. It offers the
14 property for the commercial sector, locally, regionally,
15 nationally to bid on and to use in conformity with the
16 Town of Brookhaven's zoning and regulations.

17 Ultimately, a purchaser would seek to propose
18 some type of development there, be it manufacturing, or
19 solar or who knows what. It is contiguous with
20 commercial property now. It is in an area that is
21 somewhat concentrated, as far as various types of
22 commercial functions.

23 When an entity contemplates disparate uses of
24 property and the ultimate outcome is for a mere
25 offering, that is not segmentation. The case law is

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2 very clear that when you look at the alternative
3 methodologies to go out there, this is not an effort to
4 undue, undermine or go below the bar of a Pos Dec. This
5 is a realization, from a policy body, stating that we
6 must have a quicker disposition, we must have a quicker
7 disposition we. We also must realize the maximum amount
8 of revenue we can have off this disposition.

9 That being the case, I do not believe this
10 body is bound by the broader concept of segmentation.
11 Were I here saying to you take this initial parcel, move
12 it for development purposes in harmony with the balance
13 of Legacy Village, absolutely, I would be guilty of
14 segmentation. As a matter of fact, I'm here suggesting
15 to you just the opposite. I'm saying there is no
16 particular vision in mind, no particular ultimate use
17 contemplated, no particular act sought other than to
18 take this parcel and put it through our municipal
19 offering process for the market to bid and go ahead and
20 realize the revenue needed.

21 That's it in a nutshell, folks.

22 MR. KAUFMAN: Legislator Kennedy, as you
23 know, I have written two memorandums on these issues,
24 rather extensively. The board here should be aware of
25 one critical factor. At least fifty percent of our Pos

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2 Dec's in December was based on the fact that there was a
3 plan attached to the two hundred fifty-five acres. The
4 research indicated that having a plan attached to
5 property before it was declared surplus, essentially was
6 not a starter under SEQRA, and a Pos Dec really was
7 necessary at that point in time.

8 In a certain way, this is reversing that
9 process by cutting ninety-five acres out and declaring
10 it surplus and starting all over again by disassociating
11 it from the Legacy Village plan. That solved maybe one
12 issue. Nonetheless, we have an EIS going. In my life,
13 I have never seen a Pos Dec on a property wherein two
14 hundred fifty-five acres is being considered as part of
15 an EIS, and suddenly ninety-five acres is suddenly
16 pulled away from it. As far as I can see, that has
17 never been done under SEQRA and it's essentially an
18 avoidance of Pos Dec. It's segmentation in its most
19 classic sense and that is a problem.

20 However, I'm not saying no to it at this
21 point. There are other avenues; you have a balance.
22 The budgetary issues, which we are not allowed to
23 consider, you have to balance the Pos Dec versus the
24 surplus declaration and removing it, if you will, from
25 SEQRA's purview. You know if you do it, there will be

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2 lawsuits on it. You may not be able to recognize the
3 revenue in 2011. Why not move forward with the EIS,
4 which is frankly moving very fast; we are anticipating
5 the first draft in about a month or so, around
6 Thanksgiving. It will be done, most likely, by early
7 2011, latest, I would say, by June. You can recognize
8 revenue in 2011 if it comes in.

9 If we get the EIS in and there are no
10 constraints on the EIS on that point in time on Parcel
11 D -- there maybe on A and B -- maybe not C, more likely
12 not even D knowing the property like I do because I have
13 run an EIS on that property -- it's possible to get the
14 EIS, satisfy SEQRA, put it into the 2011 budget year,
15 declare it surplus at that time and disassociate it from
16 Legacy Village at that time. Otherwise, you are dealing
17 with segmentation issues and someone is going to sue on
18 it. That has something we have never done. Two, I have
19 never seen anybody cut out thirty seven percent of the
20 property from SEQRA's purview. I know in these memos I
21 have said in the past if you want to get a Neg Dec out
22 from this, your bill is viable in a special way. If
23 it's disassociated from Legacy Village, that process may
24 allow for that disassociation because it's no longer
25 part of a proposed contract or proposed RFP.

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2 It's really really on the edge. It may be a
3 Type I because of certain aspects of it. It still
4 probably could be a Neg Dec if we wanted to go that
5 way. It's dicey, to say the least. It's filled with
6 SEQRA issues. I hope everyone read the memos on it, I
7 have done a lot of research on it.

8 LEG. KENNEDY: What I would say to you, you
9 and I have had many conversations on it. The members of
10 the board have seen the legal research that I have done
11 as well. What I would say to you is, Mr. Kaufman brings
12 up important points. The board has to go ahead and make
13 a recommendation that is an intact recommendation and
14 brings forth your collective expertise, I don't minimize
15 that at all.

16 Nevertheless, what I would say to you is I've
17 been candid with you about my rationale in bringing
18 forward the resolution as a revenue issue. While your
19 charge is primarily environmental, clearly in the
20 enabling legislation all of you are cognizent of the
21 fact that tangentially you look at economic impacts and
22 other social based issues, so it's prudent to bring
23 forward the economic realities associated with the need
24 to put this forward.

25 Secondly, I think Michael and I agree to

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2 disagree. I say to you that you consider that a logical
3 clear path to go forward with the surplus determination
4 and auction. That does not, in fact, run against
5 segmentation, finally third I'll say to each and every
6 one of you around the board, lawyers and such, we are a
7 litigious society. People sue every day. When you make
8 your determinations, you make your determinations based
9 on what you have in front of you, the merits and the
10 fear of suit. My colleagues and I, we sit every day.

11 As a matter of fact, we're told about the
12 consequences of our actions. Were we to be reduced to
13 acting in manner where we would not be sued, we probably
14 would never be able to act. I would encourage you to go
15 ahead and look at the four corners of 1670, be cognizent
16 of what Michael shared with you, but also the balance of
17 law that exists in the State of New York over the last
18 thirty years since SEQRA was enacted, and see that, in
19 fact, municipalities not only do have but must have an
20 alternative path to contemplate disposition of
21 property or actions without necessarily being subsumed
22 by a broader vision, none of which 1670 contemplates.

23 MR. MACHTAY: If I understand you correctly,
24 after reading your memo's and listening to you now, you
25 propose that the ninety-five acres be declared surplus

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2 and sold for the purpose of it being used as existing
3 zoning.

4 LEG. KENNEDY: Absolutely.

5 MR. MACHTAY: Am I also correct in saying
6 that Legacy Village had Parcel D to be used at the
7 existing zoning; is that correct?

8 MR. KAUFMAN: Yes.

9 MR. MACHTAY: What Legislature Kennedy is
10 proposing be any less protective of the environmental
11 than doing the impact statement on the whole thing.

12 MR. KAUFMAN: You're essentially saying
13 segmentation in an allowable sense.

14 MR. MACHTAY: Acknowledge its segmentation,
15 but also acknowledge that the outcome would be no
16 different.

17 LEG. SCHNEIDERMAN: Can I speak, because I
18 have to run. I sat at this table, although we were in
19 Sayville at the time. We talked about the Legacy
20 Village. It was a contemplated development. The bill
21 that was before you was to declare it surplus and allow
22 the executive to sign a contract with a definite
23 specific development plan, including affordable housing,
24 the arena, etcetera. We clearly had to do an EIS on
25 the project. Allowing the resolution move to forward

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1
2 meant logically that certain development would occur.
3 We had to look at the potential impacts. There are two
4 branches of government the executive and legislative
5 branch, and we all have our ideas about how to get
6 through the fiscal crisis. The county executive has an
7 idea to take hundreds of acres of property and have it
8 developed. That is Legacy Village. That has never been
9 been approved by the legislature. We are a co-equal
10 branch of government.

11 I can submit a resolution, Legislator Kennedy
12 can submit a resolution. We have an idea. We think
13 that ninety-five acres can be developed with respect to
14 zoning. We have ninety-five acres that we don't think
15 we need for development. We would like to auction it
16 off. When Michael talked about it he said maybe through
17 the EIS we can peel that one off and sell it. I got a
18 real problem with that because the price of eleven or
19 twelve million dollars is a deflated number, based on
20 the losses the developer, Beachwood, would take over
21 developing the arenas and affordable housing that is not
22 the real price of the property. The price at auction is
23 somewhere between fifteen and twenty million dollars.
24 We have the right, as a legislature to go a different
25 route.

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2 Legacy Village cannot exist at all. It is a
3 separate idea by a separate branch of government. We
4 are allowed to move forward. If we feel we can profit
5 and get the fifteen or twenty million and help us, we
6 shouldn't be held back. Why do I think it's a Neg Dec
7 on the property? We are simply changing the ownership
8 from county to separate ownership. When that private
9 ownership comes in and develops it according to zoning,
10 they will have to go to the planning board in
11 Brookhaven, they will probably get an EIS anyway because
12 it's a large project. We are not proposing or
13 contemplating use other than what the way it's already
14 zoned for industrial, light industrial. We are just
15 saying it's surplus and allow it to be auctioned to the
16 highest bidder.

17 It has to be looked at as a completely
18 separate action from a separate level of government, the
19 legislature. It's our resolution. We would like to
20 move forward with that resolution.

21 LEG. VILORIA-FISHER: The only thing that
22 might blur the distinction -- I'm very much in favor of
23 this because we need the revenue -- the only thing is we
24 did in the legislature vote to expend money on the EIS,
25 the six hundred thousand dollars. We did vote on that

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2 in that level. We did enter into --

3 LEG. SCHNEIDERMAN: That cannot be construed
4 as approval of the project. It was administrative
5 review of a resolution. The county executive submitted
6 a resolution. The resolution had to go to the CEQ. CEQ
7 said for us to review an impact statement before we can
8 make a determination. The same way we would pay the
9 salary of a planner, we are are paying for the EIS to be
10 done on the county's resolution for you guys to make a
11 decision on it.

12 I think the approval of hiring the firm to do
13 an EIS is part of an administrative review of, in this
14 case, the executive's resolution. If there are expenses
15 associated with Legislature Kennedy's resolution and we
16 agree to pay them, it doesn't mean that the legislature
17 has agreed to Legislator Kennedy's legislation.

18 MR. MACHTAY: Just the fact that the
19 legislature has agreed to spend this money on the entire
20 project is an acknowledgement of some sort, the fact
21 that an RFP was put out. I don't know who did the RFP
22 and who approved the RFP is an acknowledgement of sorts.
23 It clouds the issue.

24 LEG. SCHNEIDERMAN: The county executive
25 issued the RFP. We review things all the time and then

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2 deny them. That is not unusual. We are just getting
3 information to make a decision.

4 MR. MACHTAY: I don't want to sit here and
5 rationalize that it's a Type I action also. What I just
6 proposed is, if we acknowledge that it is segmentation
7 by some rhyme or reason, and it would be developed this
8 way anyway with the entire two hundred fifty-five acres
9 or by itself, then it is no less protective of the
10 environment.

11 LEG. KENNEDY: Correct.

12 MR. MACHTAY: The Planning Department can
13 write up a paper based on that that would be several
14 pages long; I would hope that would justify that.

15 LEG. SCHNEIDERMAN: If we had to to do an EIS
16 for Legislator Kennedy's bill, it's two completely
17 separate proposals. The legislature should not be
18 penalized because the county executive had an idea.
19 This is our idea. If you feel that our idea doesn't
20 have a significant environmental impact --

21 MR. MACHTAY: I also think you're right.

22 LEG. SCHNEIDERMAN: You have to look at that
23 ninety-five acres, Legacy Village, as if that plan
24 doesn't exist.

25 MR. MACHTAY: It should be the town that is

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2 doing the SEQRA review on an actual development plan.

3 LEG. SCHNIEDERMAN: You can't prejudice
4 Legislator Kennedy's resolution because Legacy Village
5 exists. The county executive is entitled to have his
6 own ideas on how to proceed. Ultimately, it's going to
7 have to pass the legislature, and the county executive
8 signs it or vetos it, and it goes back to the
9 legislature.

10 LEG. KENNEDY: Let me add one other aspect
11 that Legislator Schneiderman spoke about. To
12 acknowledge segmentation and then allow that to sit in
13 the broader vision of Legacy Village, that also would
14 acquiesce to the exact characterization of the original
15 sales price of twelve million. Again, environmental
16 issues are before you primarily.

17 Clearly we crossed the environmental
18 threshold. Once we were over that threshold, the
19 ancillary and economic issues and social issues are in
20 play. They're fair to be considered. There is a six to
21 seven million dollar delta between Legacy Village and
22 1670. What we are both saying to you, as is Legislator
23 Vilorio-Fisher, there are three of the eighteen saying
24 we need the money now.

25 MR. MACHTAY: I would remind you if you look

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2 at the SEQRA regulations, the purpose is to weigh
3 environmental issues equal with the social and economic
4 issues.

5 LEG. SCHNEIDERMAN: To me, the focus should
6 be on this resolution, on this ninety-five acres and
7 look at if Legacy Village doesn't exist, it has to be
8 weighed on its own merit in terms of the seven million
9 dollar delta that Legislature Kennedy spoke about. If
10 you were to go the route with the EIS and were to say
11 okay, this ninety-five acres, we feel that the adverse
12 impacts are minimal, we can move forward.

13 Beachwood to me, in my mind, can't go ahead
14 and spin that off, buy it for eleven or twelve million,
15 and then later find out they can't develop the other
16 pieces because now they've got a twenty million dollar
17 property for twelve million dollars. That's a gift of
18 eight million dollars. You can't give that away, so to
19 me you can't just peel it out. Beachwood is going to
20 have to wait until all the review it done the entire
21 EIS. We may decide much earlier than that we are not
22 going with that plan. The community doesn't support
23 the plan, but we believe the ninety-five acres is
24 suitable for development according to zoning. We want
25 to move forward on the ninety-five acres because we need

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2 the money now.

3 MR. MULE: The only issue that I see is the
4 fact that the action that is proposed in the resolution
5 is already subject to an EIS the action is being
6 reviewed now in the EIS process. I don't think you can
7 avoid segmentation by pulling it out now out of the EIS
8 process.

9 MR. KAUFMAN: To add to what being was said
10 as part of the scoping document, we specifically
11 requested that Parcel D be analyzed as a separate piece
12 and in relation to the other pieces covering all bases.
13 We had the Kennedy bill before us at that time. We did
14 try to accommodate all of that. That is why I was
15 talking about waiting for the EIS to be done in 2011,
16 which would allow for the EIS to avoid segmentation,
17 properly conduct it and still be booked as revenue in
18 2011.

19 You can get all three of those if you wait on
20 it. I'm not saying that is necessarily the right way to
21 go at this time.

22 LEG. SCHNEIDERMAN: I'm not saying pull it
23 out of the EIS. Continue studying it as part of the
24 county's proposal, but we have a completely separate
25 proposal.

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2 MR. KAUFMAN: But if it gets auctioned off
3 during the pendency of the EIS.

4 LEG. KENNEDY: What would the board need in
5 order to consider 1670 within the four corners of the
6 proposal?

7 MR. MULE: Kill the deal.

8 MR. KAUFMAN: Kill Legacy Village.

9 LEG. VILORIA-FISHER: We never approved it.

10 MR. KAUFMAN: There has to be a distinct
11 disassociation of Legacy Village as a concept to avoid
12 exactly what we decided in December. You have to have
13 maybe a couple paragraphs in there saying this has been
14 booked as revenue as part of the operating budget. It's
15 not part of a larger plan. It's being sold separately
16 in and of itself.

17 LEG. SCHNEIDERMAN: You have it already. You
18 have two competing plans. You have the resolution.

19 MR. KAUFMAN: You have to have a little more
20 in there to satisfy the criteria.

21 LEG. KENNEDY: I'm open to that modification
22 of the language. I'm saying again, it's executory.
23 There is no contract that has been bound. There is a
24 matter proposed by one branch of government with
25 absolutely no commitment to go forward to do anything.

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2 LEG. VILORIA-FISHER: John, you and I talked
3 about that. We have to show somewhere in the resolution
4 that we reject the whole concept. I'm thinking perhaps
5 even in a whereas clause in the resolution.

6 LEG. KENNEDY: I can do that.

7 LEG. VILORIA-FISHER: We could site meetings
8 of the legislature where we did not support the Legacy
9 project, because that is on the record. That was a
10 negative response of the legislature to the Legacy
11 Village projects. Perhaps if that was a whereas clause.

12 LEG. KENNEDY: I'll talk to counsel today.

13 LEG. SCHNEIDERMAN: I supported the private
14 consultant for the EIS. I don't think my vote should
15 ever be construed as support of the Legacy Village
16 department. My vote was based on not having the
17 Planning Department do it because they would have been
18 overwhelmed.

19 MR. MACHTAY: As a citizen, I appall that
20 vote to spend over four hundred thousand dollars on
21 something that is a pipe dream.

22 LEG. SCHNEIDERMAN: I don't disagree, but the
23 Planning Department did not have the ability to do it
24 in-house.

25 MR. MACHTAY: You could have killed the

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2 project all together by not voting the money.

3 LEG. SCHNEIDERMAN: You guys asked for an
4 EIS.

5 THE CHAIRMAN: Legislator Viloría-Fisher, I
6 think you are on to a possible solution to our
7 predicament. Could you elucidate exactly what you want
8 to propose that the legislature do so we can act?

9 LEG. VILORIA-FISHER: We had Legacy Village
10 before the legislature on various occasions. The
11 position of the legislature was overwhelmingly opposed
12 to the plan. What we need to do, with the help of
13 counsel, is find the language or particular meeting in
14 which there was a vote that indicated that we were
15 opposed to it.

16 Going back to what Richard just said, Richard,
17 I felt there was a lot of rhetoric that was being swung
18 around and that the EIS, as I saw it in the scope of the
19 project, gave us an opportunity to vote yea or nay on
20 this based on whatever facts were discovered through the
21 EIS. Was it really going to have an impact on Carmans
22 River and the wetlands. So the EIS was giving us the
23 reasons to vote yea or nay, based on fact and not just
24 people shouting in the auditorium.

25 I felt it was our responsibility to do our due

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2 diligence as legislators. We wanted to know what was
3 going on. To go back to our meetings and deliberations
4 and look for the indications that the legislature was
5 not in support of the Legacy Village and put it in a
6 whereas clause, not in a resolve clause, because I don't
7 think it rose to that level. We can say there was clear
8 indication that this was not a plan that was supported
9 by the legislature, and the legislature as a separate
10 and distinct branch of government supports looking at a
11 particular portion of it, which is in line with local
12 zoning regulations.

13 LEG. KENNEDY: I'll have counsel make that
14 change today Mr. Chair, and as a matter of fact, I can
15 have it over to you this afternoon.

16 THE CHAIRMAN: I don't know that we would be
17 able to act on it.

18 LEG. KENNEDY: You can give it a Neg Dec
19 subject to the modifications sought through the
20 resolution.

21 THE CHAIRMAN: We could, I'm not sure -- it's
22 very vague.

23 LEG. SCHNEIDERMAN: Are you viewing this as
24 Unlisted or Type II?

25 MR. KAUFMAN: Type I or Unlisted.

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2 LEG. SCHNEIDERMAN: Declaring the property
3 surplus.

4 MR. KAUFMAN: Because of the acreage.

5 LEG. SCHNEIDERMAN: It's under a hundred
6 acres.

7 MR. KAUFMAN: But there may be a complication
8 to it. Rich Machtay pointed out this could swing to a
9 Type I and still be a Neg Dec because of the possibility
10 of development occurring with it. There is not that
11 much difference.

12 ~ LEG. SCHNEIDERMAN: I undersand. So you're
13 saying it's not Type II. To me it's a change of
14 ownership from county to private. That is the only
15 change that the resolution would lead to.

16 THE CHAIRMAN: There is one critical point.
17 If we decide to go with the segmentation today, we have
18 to give supporting reasons that such review is no less
19 protective of the environment. That has to be put into
20 any paperwork that occurs. There has to be language in
21 there showing that.

22 MR. MACHTAY: They're not talking about
23 segmentation any more. They are talking about
24 withdrawing the other proposals all together.

25 LEG. SCHNEIDERMAN: In our mind Legacy

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2 Village doesn't exist.

3 MR. KENT: Christopher Kent. The ninety-five
4 acre lot does not currently exist. I think it's a very
5 important point that needs to be made, that I'm not even
6 sure that the legislature is aware of. Currently, there
7 is a forty-three acre lot that does exist that is
8 partially zoned industrial and partially zoned
9 residential.

10 Our proposal is to modify lot lines to create
11 a ninety-five acre lot that solely lies within the
12 industrially zoned property within the Town of
13 Brookhaven. That lot currently does not exist. We are
14 already engaged in a full GEIS for the full proposal.
15 By its nature, it's to be inclusive and expansive. As
16 part of the study we were looking at the impacts of the
17 entire project and any portions of it.

18 The Town of Brookhaven, in approving the
19 creation of the ninety-five acre lot, which is still
20 pending, is going to rely on the findings and
21 determinations of the GEIS. I can't understand why we
22 can't complete the GEIS, which you already commenced
23 which is five months in the process, we're talking about
24 having a draft environmental GEIS before you in February
25 for your consideration. It will go over to the

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2 legislature and they can make their findings and
3 determinations based on a full study. The full GEIS
4 will provide the greatest flexibility and opportunity
5 for the county to make determinations based on the
6 entire project or any portion thereof.

7 I don't understand why we would want to short
8 circuit the full GEIS at this time, which will give us
9 the opportunity in 2011 to create the ninety-five acre
10 lot based on the study, and sell it as surplus land. By
11 short circuiting it now and doing this resolution on a
12 ninety-five acre lot that will not exist until we fully
13 study all the impacts doesn't make sense to me
14 environmentally, budgetarily. I understand the point of
15 view. Our intent is finish the study, create the
16 ninety-five acre lot with a boundary amendment with the
17 Town of Brookhaven and send it in 2011 as a revenue that
18 can be realized in the budget at that time.

19 Doing it this way is fraught with so many
20 opportunities to delay the project. People often think
21 that the fastest road to the end is the direct route.

22 It's not always that way. Sometimes you have to study
23 it. The slowest route would be to not do the study,
24 approve it and get sued and wait three or four years for
25 the litigation to end before you realize the revenue.

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2 That would be the longest route.

3 I think we're thinking that by finishing the
4 study, letting all the information be before the
5 legislature who makes the decision on the GEIS, it's
6 their findings, their determination. They will have the
7 full opportunity to make this decision. They can take
8 deliberate action, go through the process contemplated
9 by SEQRA under NYCRR 617 and make a decision based on
10 full facts. Why do it without the full facts on a lot
11 that doesn't exist?

12 LEG. KENNEDY: I appreciate Mr. Kent's
13 comments. I think there has been a rationale with the
14 administration going forward. I'm going to check with
15 counsel. I believe we did a metes and bounds
16 description associated with the resolution with 1670.
17 And while I used the term ninety-five acres, I believe,
18 when I read the contract yesterday, I believe it was
19 ninety-three point five, as a matter of fact, with a lot
20 line request. I was unaware of a forty-three acre
21 distinct section.

22 MR. MACHTAY: You don't have a separate lot
23 here; is that right? At this time or in the near
24 future.

25 LEG. SCHNEIDERMAN: The resolution, you moved

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2 forward with the county executive's resolution, didn't
3 have that lot created.

4 MR. MACHTAY: In the SEQRA rules and
5 regulations, once a Pos Dec is given, nobody can make
6 any decisions until the SEQRA review is complete.

7 LEG. KENNEDY: Absolutely.

8 MR. MACHTAY: We have a Pos Dec. It's been
9 coordinated with the town. The town is involved in it.
10 I'm flip flopping here because I'm getting little bits
11 of information as we go along.

12 LEG. KENNEDY: When you look at 1670 within
13 its four corners, I'll go back again to it, I don't want
14 to beat a dead horse. 1670 makes absolutely no
15 reference to Legacy Village now. As a matter of fact,
16 at the board's recommendation I will include a reference
17 in there for all intents and purposes is a renunciation
18 of Legacy Village.

19 MR. MACHTAY: It should not be the tail
20 wagging the dog, but rather the dog telling the tail
21 what to do.

22 LEG. KENNEDY: As the policy entity for the
23 County of Suffolk, what we are saying is that the policy
24 that we are at least putting forward, and I believe
25 based on conversations with my colleagues in the

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2 legislature is to support an outright surplus
3 declaration for the ninety-five acres of industrially
4 zoned property and for the auction.

5 Finally, what I will say again is I will go
6 back to my conversation with Michael before. Litigation
7 happens all the time. I guarantee you that there will
8 be litigation associated with moving forward on Legacy
9 Village.

10 THE CHAIRMAN: It seems to me if we don't
11 have the lot created, we can't act.

12 LEG. SCHNEIDERMAN: You did already.

13 MR. KAUFMAN: That was for environmental
14 review of a proposed project. It had a metes and
15 bounds. It was not dispositive of what existed. It was
16 a project placed before us.

17 LEG. VILORIA-FISHER: I'm also on the
18 working group, and we have to do policy decisions and I
19 have to leave too. I make a motion to table it because
20 I have too many questions. I thought this was a single
21 and separate lot and now I want to check with counsel.

22 LEG. KENNEDY: I thought it was ninety-three
23 point five.

24 MR. KAUFMAN: It's not a single and separate
25 lot, it's subject to partition before Tulio at

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2 Brookhaven.

3 LEG. VILORIA-FISHER: Motion to table.

4 MR. KAUFMAN: Second.

5 THE CHAIRMAN: Any further discussion? Call
6 the vote. All in favor? Opposed? Motion carries.

7 THE CHAIRMAN: Gentlemen, we will try to work
8 with all of you to come to a resolution of what this
9 complex situation is.

10 LEG. KENNEDY: One other question, Mr. Chair.
11 With the shifting to SD-22, the work that you will do
12 today is just to outline the parameters for the scope
13 for the Environmental Impact Statement.

14 THE CHAIRMAN: Yes. All they are asking us
15 to do is help them develop the scope.

16 LEG. KENNEDY: How do I get input into that?
17 I'll jot a note to you. I would like to, throughout the
18 scoping, consider things that may not necessarily be
19 immediately apparent. One would be the possibility of
20 joining with the adjacent district, SD-18, for the
21 effluent, and secondly alternative sites possibly up on
22 the north end of the complex.

23 MR. WRIGHT: Where I was, I was introducing
24 John to give a brief description of the project.

25 MR. GERLACH: I'm John Gerlach, the director

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2 of environmental sciences at Lockwood, Kessler &
3 Bartlett. We were retained by the Suffolk County
4 Department of Public Works to assist them in evaluating
5 the feasibility of proposed improvements to the Sewer
6 District 22 recharge capabilities. The existing
7 facility was built in the early '70's; currently has a
8 capacity of two hundred thousand gallons per day. And
9 it recharges to on-site leaching beds, recharge beds on
10 the county property.

11 The sewage treatment plant is situated on a
12 relatively low lying portion of the county center
13 property adjacent to wetlands that serve as headwaters
14 of the Nissequogue River. Several years ago, the county
15 identified the need to improve its recharge capabilities
16 due to high groundwater condition and relatively poor
17 percolation capabilities of soils that underlies the
18 existing recharge beds. They identified a parcel
19 located approximately three thousand feet to the west
20 already owned by the county, and proposed utilizing a
21 portion of that for a new system of leaching wells that
22 would augment the existing leaching beds on the
23 property.

24 What the project would entail is installing a
25 new pump station on the existing sewage treatment plant

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1
2 property, installing about forty-six hundred lineal feet
3 of six diameter force main along county center property
4 on Vets Highway to this property on the opposite side of
5 Veterans Highway, and installing on that property, an
6 approximately a one point five acre area, a hundred
7 twelve leaching wells which would be installed below
8 grade with manholes at the surface. Would require
9 removal of some trees and getting the necessary work
10 permits along Veterans Highway.

11 What it would allow the county to do is would
12 be to ensure a continuous ability to discharge the
13 effluent from the sewage treatment plant in the future.
14 The result of the assessment is that the project is
15 feasible. It does not involve any technologies outside
16 the purview of normal civil engineering practice.

17 Conditions at the proposed site are acceptable
18 for the project in that the soils have excellent
19 percolation characteristics and the water table there is
20 sufficiently deep to allow installation of the system.
21 Other alternatives that the county examined had
22 identified back in 2007, they asked us to look at those
23 in more detail. One of them was discharge directly to
24 the Nissequogue River, which based on further evaluation
25 was not to be feasible due to anticipated public

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2 opposition and environmental opposition and the
3 chemistry of the water and effluent was not conducive
4 to the aquatic life in the stream which includes trout.

5 One of the other alternatives was reuse
6 the water. How much of the water was good for
7 non-potable purposes, that amounted to twenty percent of
8 what is treated in the plant every day. We looked at
9 there is a golf course in the vicinity that was
10 determined not to be feasible because it's only
11 available seven months out of the year. Also, there was
12 some logistical complexity. You have to ensure a
13 uniform rate of flow to meet government standards.
14 There is a state requirement that you have to have a
15 fourteen day storage capacity, which is something that
16 could not be accommodated by the county system and the
17 availability of land.

18 Another thing we looked was installation of
19 additional on-site leaching beds. You need an area
20 roughly the equivalent of what is there now, which is
21 the equivalent of three acres or so. It could not be
22 installed in the vicinity of the existing plant because
23 the water table is quite shallow there. That would just
24 be making more of the same problem that you already
25 have.

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2 Based on review of some soil borings from that
3 area, we found that the soil in that portion of the
4 county center property was not conducive to percolation
5 of the effluent.

6 MR. KAUFMAN: It's built on a wetland.

7 MR. GERLACH: That's correct. The only
8 location to install such a recharge basin would be on
9 the topographically higher portion of the county center
10 property, but it's currently allotted for existing
11 buildings and parking lots. The information that we
12 have seen for future use of the site, there are a lot of
13 plans for further development of the site in the
14 future. If you built a couple of acre sized recharge
15 beds system there, that would greatly limit the use of
16 the property.

17 The other alternative was installation of
18 injection wells. That would have to be done in the
19 topographically higher area where the depth to the water
20 table is greater. We did soil borings up there. What
21 we found is that technically feasible due to the depth
22 of the sand there and depth of the water table.
23 However, the differences in the chemistry of the water
24 between effluent and groundwater would make the ejection
25 wells susceptible to bacteria and solids accumulation.

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2 That would not be feasible.

3 Things we did on the off-site location, we did
4 six soil borings to twenty-five foot depth with
5 continuous soil sampling, and a geophysical survey that
6 mapped lateral changes in ground conductivity which
7 correlate to lithology. We found that the conditions
8 are very uniform. It consists of twenty percent gravel,
9 seventy-seven percent sand and only three percent silt
10 on average. Depth to water table was far enough down to
11 allow for the installation of a system of a hundred
12 twelve leaching pools. Mounding, there would be some
13 localized mounding of groundwater there. It would not
14 affect any of the surrounding properties. We evaluated
15 whether or not the proposed project would have impact on
16 contaminated groundwater plumes in the area and public
17 supply well fields. That was also found not to have an
18 effect on those as well.

19 I know Mr. Swanson had gotten some items that
20 you wanted to mention that I would be happy to discuss
21 at this time.

22 THE CHAIRMAN: I think it is probably
23 inappropriate because all we are being asked to do at
24 this point is help the county prepare the scoping
25 document that will be put out for public review. We

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2 will have the letters at this time that we received put
3 into the public record today. When it's appropriate
4 during the scoping process, we will read them into the
5 record, if that is okay.

6 LEG. VILORIA-FISHER: May I ask a question?
7 Is it possible for us to suggest that at this point
8 regarding the scoping document, looking at the hybrid,
9 what is the feasibility of hybrid solutions? You
10 explained the use of the gray water, the county center
11 would only use twenty percent of the effluent. Would we
12 be able to do that and the leaching pools as well?

13 MR. GERLACH: I'm an environmental
14 scientist. That was evaluated in detail by the
15 engineers in the office, it may be a viable option for
16 the future buildings, but the existing buildings on
17 county center property do not have plumbing systems, say
18 for flushing the toilets versus water fountains. It
19 would entail complete replumbing of the buildings. From
20 a cost perspective and logistical perspective, it would
21 not be feasible.

22 LEG. VILORIA-FISHER: Perhaps that could be
23 part of the document and say why these things can't be
24 done.

25 THE CHAIRMAN: We can interject things that

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2 they hadn't considered.

3 MR. WRIGHT: I want to make it clear what we
4 are looking at is give rest to the system that we have.
5 It does work. It gives us concern that in time it may
6 fail. We don't want to extend emergency pumping to some
7 place that is not necessary. We were looking at
8 something we can use part-time whenever necessary.

9 MR. KAUFMAN: If it's possible to do certain
10 things certain times, for example water the golf course
11 seven months out of the year and then not water it when
12 people are not out playing golf. Putting in those kinds
13 of alternatives in a micro-scale as opposed to focusing
14 on one area, that would be, in my opinion, something to
15 put into the alternatives to look at.

16 It may be more costly. On the other hand,
17 there may be some lesser environmental impacts. In
18 other words, the scope as produced has to look at, in
19 this situation, being creative, shall we say, and try
20 and disburse some of the flows from here, there and
21 everywhere and see what you can do to reduce them.

22 I undersatnd 22 does have problems. It's
23 sitting in the Nissequogue River, which I am concerned
24 about, which something has to be done.

25 THE CHAIRMAN: Today we are not going to

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2 solve the problems, just to make the commitment with
3 that we will help the county with the process.

4 MR. WRIGHT: What will be the next step for
5 us?

6 THE CHAIRMAN: I will ask if it's all right
7 with the board, Rich and Michael and myself and anybody
8 else that wants to sit in, as long as we don't have a
9 quorum sit in on developing a scoping document with you
10 and bring it to the full board.

11 MR. MULE: I'll get in touch with you. I'll
12 schedule a meeting for the four of us to sit down.

13 THE CHAIRMAN: Are you all here to talk about
14 the Hauppauge facility?

15 MR. SCHRIFFEN: I'm a homeowner and I thought
16 it was an open meeting for the public.

17 THE CHAIRMAN: It is an open meeting, but
18 we're not going to be making any decisions; they're just
19 asking for our help.

20 MR. SCHRIFFEN: I'm Gary S-C-H-R-I-F-F-E-N.
21 I live on Autumn Drive in Hauppauge. The original
22 information that I had received from one of my neighbors
23 who couldn't make it today was that it was going to be
24 in the Robin Drive or Autumn Drive area, which is just
25 behind the industrial park where I believe the plant

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2 is.

3 I want to get back to my neighbors where the
4 leaching fields are planned. If we're not concerned
5 about it, it's not in that area, it might be erroneous
6 information that was filtered down to me. That is why
7 I'm here.

8 MR. WRIGHT: The initial location that we
9 discussed is east of Autumn Drive, on Vets Highway to
10 the east. I can't tell you how far. There is a sump
11 before you get to New Highway, the doctor's or dentist's
12 office a little east of that. It's west of new
13 highway.

14 MR. KAUFMAN: It's in between New Highway and
15 Autumn, where you guys live. Then it stretches up to
16 the south.

17 THE FLOOR: It's near the access right of way
18 where the LILCO towers are.

19 MR. KAUFMAN: The LILCO towers not part of
20 the location that runs east-west. I believe that the
21 project that the county is talking about runs south from
22 347.

23 THE FLOOR: Where would they empty onto on
24 the north side of Vets Highway?

25 MR. WRIGHT: The treatment plant is going to

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2 stay where it is. The treated effluent would be on the
3 south side of Vets Highway. I have a map here where I
4 can show you.

5 MR. KAUFMAN: We're going to have public
6 hearings on that.

7 THE FLOOR: I apologize.

8 THE CHAIRMAN: Don't apologize; it's your
9 right to be here. It's important that you and your
10 neighbors come to the public hearing. That will include
11 what we put into the document. It's equally important
12 that after the document is prepared, that you react to
13 it.

14 MR. MULE: I'll get in touch with you and
15 schedule something.

16 MS. SPENCER: I support your plan.

17 MS. FISCHER: I have three proposed
18 acquisitions for you this morning. The first one is the
19 Forge watershed disposition. The property, this is a
20 thirty-two point zero four acre parcel. It's a former
21 nursery. As you see on the map, the aerial is primarily
22 shrubs and tree stock that still exists. It's been laid
23 fallow for a number of years, but the stock is still
24 there to some degree. We are looking to acquire this
25 under the Suffolk County Drinking Water Protection

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2 Program with regard to where it's located within the
3 watershed coastal stream, which is the Forge River as
4 determined by reasonable planning or hydrological
5 study.

6 This property is with in the watershed
7 identified by the Suffolk County Department of Health
8 Services for groundwater recharge to Forge River. So,
9 we are looking to utilize it as passive recreation, let
10 it go fallow and let it go back to its natural state.

11 THE CHAIRMAN: Is this in the deep recharge
12 area or truly in the area that drains to the Forge, ~
13 because that northerly portion, according to your own
14 maps, growing to the deep recharge area.

15 LEG. VILORIA-FISHER: What map are we talking
16 about?

17 THE CHAIRMAN: It was the maps that throw out
18 the nine geological areas for groundwater discharge.

19 MS. FISCHER: This is south of the zone
20 three. It's not within deep aquifer recharge area.
21 South of that area.

22 LEG. VILORIA-FISHER: Laretta, we are trying
23 to protect the Forge River because of all the nutrients
24 that are going into it. This is a nursery. My
25 assumption is there would have been a lot of fertilizer

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2 and pesticide use. What kind of test of that soil has
3 been done there?

4 MS. FISCHER: There was a Phase 2
5 environmental site assessment report completed for the
6 site, and soil samples were required to be taken. That
7 information I can get to you, but basically, I can read
8 to you their result. "The soil samples collected from
9 the barn were analyzed to determine if elevated
10 concentrations were present. The analytical results
11 indicated that none of the volatile organic compounds or
12 herbicides were elevated or exceeded the New York State
13 DEC or USEPA guidance values. Several of the analyzed
14 semi-volatile organic compounds, pesticides and metal
15 exhibited slightly elevated concentrations; however,
16 none were found to be in excess of the guidance values.
17 As a result, no further samples or remedial activities
18 are required."

19 LEG. VILORIA-FISHER: It doesn't require
20 remediation.

21 MS. FISCHER: Correct. It goes on to say
22 that the following Phase 1 determinations should be
23 complied with prior to acquisition. It should be
24 determined if the stained soils in the area of the
25 former irrigation pump were disposed of in an

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2 appropriate facility, as recommended in the prior
3 Limited Phase ESA performed on the subject property. So
4 we just have to verify that the stained soils that were
5 moved were disposed of properly.

6 LEG. VILORIA-FISHER: Can you send a copy of
7 that to the soil and water district so I can, at our
8 next meeting, review those recommendations with the
9 other commissioners?

10 MS. FISCHER: Sure, we can do that.
11 Irrigation pump should be removed and all wells on the
12 property closed. Drums and liquid propane gas tanks and
13 two hundred seventy-five gallon former diesel fuel tank
14 should be removed and properly disposed of and any
15 on-site buildings that are to undergo renovation or
16 demolition in this case, that an asbestos survey be
17 conducted. Assorted trash, wood chips and farm
18 equipment removed.

19 LEG. VILORIA-FISHER: Was that all done
20 prior to?

21 THE CHAIRMAN: Do you want to table it so it
22 can be --

23 LEG. VILORIA-FISHER: I would like to. I
24 don't want to hold it up, but we spend so much time in
25 soil and water.

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2 THE CHAIRMAN: Do I have a motion? I have a
3 motion and second by Ms. Grownny. Motion carries.

4 LEG. VILORIA-FISHER: Woodhulls Landing
5 Woodlands property, the PEFCOS property located in the
6 Town of Brookhaven.

7 MR. KAUFMAN: Any problems with the
8 property?

9 MS. FISCHER: No. This one is primarily
10 wooded. We did cut out a few pieces of the property.
11 That we're not acquiring you can see on the aerial a
12 portion of it, is going to be utilized as an extension
13 of the town road and the town is going to be buying that
14 portion of it. Two lots with structures houses on it
15 have been cut out as well.

16 The property is primarily wooded. It's a
17 hilly terrain. On the eastern side of the property
18 there is a former field that has laid fallow for many
19 years. In the western southern section, just east of
20 the two residential structures, we are looking to
21 acquire sixty point four two acres in Miller Place.
22 This is, again, the Suffolk County Drinking Water
23 Protection Program for open space passive recreation,

24 MS. SPENCER: A question on the eastern
25 portion. Areas omitted from acquisition along Woodhull

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2 Landing Road. Why is that so uneven?

3 THE CHAIRMAN: The rationale for the bulge at
4 the northern portion --

5 MS. FISCHER: I'm not intimately involved in
6 the design of it from the town. That was a town
7 request. It is a hilly area. They might have had to
8 utilize a larger, wider area to accommodate their
9 improvements to the road there. I know one of the
10 issues is drainage in that area.

11 MS. SPENCER: I'm just asking because it
12 seems substantial. If you look at it compared to that
13 which is on the southern portion, the area omitted along
14 Woodhull Landing Road, it seems like something that
15 would accommodate road widening. As you go north, it's
16 quite substantial.

17 LEG. VILORIA-FISHER: Haven't seen the plans
18 that the town has, so I'm sorry. I can't address that
19 correctly.

20 MR. GIBBONS: Can I ask Laretta, in the
21 southeast corner of the property you have something
22 identified on the master list, but you have something
23 else on that is not previously identified on the master
24 list.

25 MS. FISCHER: The planning steps came in

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2 between Master List 1 and 2. So, after that was
3 proposed, we included those other parcels.

4 MR. GIBBONS: But the larger parcel was never
5 part of two and was never considered as part of master
6 list one, right?

7 LEG. VILORIA-FISHER: She said no to both.
8 Only because there were other uses on it. There were
9 uses. We are now cutting out the houses. Generally, I
10 had identified properties in those master lists
11 primarily without any improvements on them.

12 MR. GIBBONS: Thank you.

13 THE CHAIRMAN: Do we have a motion?

14 MR. KAUFMAN: Unlisted Neg Dec.

15 MS. GROWNEY: Second.

16 THE CHAIRMAN: Any further discussion? All
17 in favor? Motion carries.

18 MS. FISHER: The third and last one is coming
19 back to you for reconsideration. This is the Boys and
20 Girls Harbor Property on Three Mile Harbor, I mean
21 adjacent to our Three Mile Harbor county and town park
22 in the County of East Hampton.

23 Scott Wilson is here on behalf of the town. I
24 wanted to do just give you a little introduction on the
25 scope of the changes that were made, and Scott can also

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2 get into other details as well, if you so wish. I
3 believe everyone has a copy of the Final Draft
4 Management Plan that was presented by the Town of East
5 Hampton and approved by East Hampton Town Board before
6 you. The changes in the scope of the project have been
7 reduced significantly.

8 Originally, when we made a presentation to
9 you, there were eleven or twelve buildings on the
10 property that were being considered for possible uses in
11 the future. That has now been reduced down to one
12 building that will now remain. The only other structure
13 is a ropes course with poles. The ropes are not
14 attached at the present time but the poles are poles are
15 being kept there for possible use in the future.

16 THE CHAIRMAN: When did this come before us?

17 MS. FISHER: I believe two years ago. We
18 placed before you a revised and undated EAF long form.
19 The general description of the project gives you a
20 pretty good overview of what is being proposed there.
21 There is going to be also some associated parking
22 provided, which will actually be located on the former
23 basketball court that existed on the property near the
24 field at the southern end of the property. This hasn't
25 changed from the former proposal, but there was proposed

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2 new entranceway that will be created for the property.

3 Existing at this time is an entranceway on a
4 piece of property that the owner owned adjacent to this,
5 that provided access to his private residential home.

6 And we have now not associated that with this
7 acquisition to the west of it. So, we need to create a
8 small relatively smaller accessway into the property.

9 That has been explained in the information provided to
10 you.

11 THE CHAIRMAN: Why did we reject it, or did
12 we reject it?

13 MS. FISCHER: You approved it.

14 THE CHAIRMAN: Then why is it back?

15 MS. FISCHER: Because of the fact there was a
16 significant change in the use of the property. The town
17 had to address issues with regard to input from certain
18 neighbors in the area. And the town board had requested
19 that it be reevaluated and modified downward in its
20 use. Scott, if you would like to add anything.

21 MR. WILSON: Not unless there are any
22 specific questions. It's pretty straightforward at this
23 point.

24 MS. GROWNEY: I have a few questions. What
25 was the rationale for disassociating the use of the

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2 other buildings? How is it determined that you are
3 going to be working with one building only and the ropes
4 course?

5 MR. WILSON: As opposed to the rest of the
6 buildings that we proposed?

7 MS. GROWNEY: Yes.

8 MR. WILSON: The original proposal
9 contemplated a more active use. Since it was formerly
10 an active camp for kids, we thought we would continue
11 some of the uses and offer some services and facilities
12 for sort of day camping for adults and their kids.
13 There was an Article 78 brought by some of the adjoining
14 neighbors. We have had already had three public
15 hearings and there will be a fourth public hearing,
16 depending on what your findings are, through the process
17 with the town board and the neighbors decided it would
18 be more appropriate to have more passive as opposed to
19 active uses; hiking, and as opposed to ball field and
20 the like.

21 I can only say that the town board was
22 influenced by a pretty significant petition by the
23 adjoining neighbors.

24 MS. GROWNEY: There was some issue about the
25 ropes court being problematic?

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2 MR. WILSON: I'm not aware of an issue
3 related to that.

4 THE CHAIRMAN: Legislator Viloría-Fisher has
5 to leave, so if you want to vote.

6 MR. KAUFMAN: Motion unlisted Neg Dec.

7 MS. SPENCER: Second.

8 MR. KAUFMAN: Discuss later.

9 THE CHAIRMAN: All in favor? Opposed?
10 Motion carries. I also have to leave at this point. If
11 you will excuse me, I'll turn the meeting over to
12 Mr. Kaufman.~

13 MR. KAUFMAN: Suffolk County portion.

14 (Leg. Viloría-Fisher left at 11:35 a.m.)

15 MS. SPENCER: We are getting this mess
16 done.

17 MS. SQUIRES: I just wanted to tell you that
18 the New York State conference on the environment is
19 November 19th, through the 21st. It's at the Fair Hotel
20 in West Point. The conference coordinator is unusual
21 because it's the Hudson Hills Highlands Environmental
22 Leaders Learning Alliance, which acronym is HELIA. And
23 this conference is regional approaches to conservation.
24 The Fair Hotel is a magnificent structure.

25 I would remind you that CEQ is an

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2 environmental management counsel, and this conference is
3 co-sponsored by them, and by NYSACC, which I am
4 president of New York State Association of Conservation
5 Commissions. It's an exciting conference. You could
6 come for Saturday and just could the workshops or you
7 can come for three days. I have information on it. I,
8 have copies, if anybody is specifically interested, or
9 you can go to our Website which is NYSACC New York dot
10 org. for information

11 MR. KAUFMAN: Thank you very much. If
12 anybody can attend, the conferences in the past have
13 been very informative. We hosted the conference in
14 1997, I think.

15 MS. SQUIRES: We co-sponsored, the Council on
16 Environmental Quality co-sponsored the conference some
17 years ago.

18 MR. GIBBONS: Similar to reports I have given
19 to other parks I have given in the past couple of
20 months, there was an interest in the Montauk Park which
21 was renamed Theodore Roosevelt Park. I want to give you
22 an overview of the status of the park and some of the
23 things they we are working on there.

24 I am not sure how many of you are personally
25 intimate with the property or not. Obviously, it's a

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2 magnificent acquisition of the county. It goes back to
3 the early '70's. I have an outline series of photos
4 which focus primarily on the infrastructure in the park,
5 and the aerial photograph of the entire park. I have
6 taken the liberty of highlighting some of the more
7 interesting features directly on the aerial. Then I
8 have -- I'd like to thank Carl Lind in the Cartographic
9 Unit for preparing this.

10 This is in terms of years acquired. This is
11 1971. This is not exactly accurate. There was a period
12 of time from around 1970 to 1974 that the acquisition
13 took place. It was a number of different parcels over
14 time after that acquisition were consolidated into what
15 we have today. It's a little over eleven hundred acres.

16 What we offer there is by far the most
17 important recreation activity is outer beach
18 camping. It's roughly one point five miles of outer
19 beach right on Gardiners Bay. It's a still water beach.
20 It's popular with families with young kids. You can
21 basically back up to the dune and that is your
22 campsite. That is open year round. Obviously, most
23 popular time of year from mid-May through
24 mid-September. We can accommodate up to two hundred
25 campers for a week at a time on the outer beach,

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2 conditions permitting. The beach is no wider than in
3 some cases sixty feet, depending. Some of these
4 trailers are thirty-five to forty feet long. It doesn't
5 leave a lot of margin for error if the water comes up.
6 We routinely evacuate the beach.

7 MR. KAUFMAN: When Legislator Gouldi was in
8 office, we had a meeting. We, were I think it was in
9 Sayville we were talking about the bluffs at Montauk and
10 basically trying to keep people off the bluff say ten
11 feet away. Is that being enforced?

12 MR. GIBBONS: We don't have a bluff in the
13 area of the recreational campground, we have a
14 dune. The dune is no more than eight to ten feet above
15 mean high water around the point Shagwong Point the
16 bluffs begin to develop here. The there is no public
17 recreational beach buggy access south of Shagwong
18 Point.

19 This bluff area is eroding at an alarming
20 rate. We had a structure here years ago; it's gone.
21 The water source for that structure is a good sixty to
22 seventy feet out into the water now. We lost a
23 tremendous amount of material there over the years.

24 MR. KAUFMAN: The east-west campground areas,
25 what is it like to the south behind the dune field; does

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2 it rise up rapidly?

3 MR. GIBBONS: No, it drops off after the dune
4 rises eight to ten feet. There are some pocket wetland
5 again. This is the Montauk airstrip that practically
6 comes into contact with the dune.

7 MR. KAUFMAN: At that meeting I thought there
8 was an agreement to keep the vehicles and people off the
9 dunes and bluffs. Does that agreement continue and are
10 people staying away from the toe of the dunes?

11 MR. GIBBONS: The camping activity does not
12 exacerbate the dune areas. We haven't seen any evidence
13 that that has been an issue.

14 MR. KAUFMAN: The reason I ask I know a
15 little bit about dunes. If you hit the toe of the dune
16 you have a nice tendency to cause collapse.

17 MR. GIBBONS: We haven't seen any.

18 MS. SQUIRES: How do you get a permit to use
19 the campground?

20 MR. GIBBONS: It's first come, first serve.
21 We don't have a reservation system there because of the
22 fragile nature of the dune there. I don't anticipate we
23 will have Montauk on the reserve system like we do on
24 many of the other parks.

25 MS. SQUIRES: To the county or to the town.

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2 How do you apply to have a reservation.

3 MR. GIBBONS: To the county park. There is a
4 town park. This is Gin Beach on the east side of Lake
5 Montauk. It's a small, maybe quarter mile wide if that.
6 Small, open for East Hampton residents only. At the
7 eastern end of Gin Beach is the county park and all the
8 camping is in the county park.

9 You need to check with the county park staff
10 at the check station. It's as informal as we get. It
11 needs to be that way. We need to build in that
12 flexibility for people. Oftentimes we need to turn
13 people around because people come out and there is no
14 space available.

15 MS. SQUIRES: Is it tent camping?

16 MR. GIBBONS: No, it's self-contained only.
17 You have to have sanitary facilities. Horseback riding
18 is a popular amenity at the parks. We have an
19 arrangement with the manager of the equestrian
20 facilities at the Apollo Ranch hiking activities,
21 fishing, both freshwater and marine fishing. Hunting,
22 we offer both a water fowl program on Big Reed Pond and
23 big game hunting in our special January shotgun season.
24 The park is effectively closed down weekdays to
25 accommodate that use.

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2 We have primitive camping, a youth bike hostel
3 area dating back to the late '70's is tent camping for
4 limited use. The concept is for scout groups that come
5 out for a single night or those that are doing long-term
6 bike trails out to Montauk Point, that is a place they
7 can stay essentially free of charge.

8 MR. PICHNEY: Is bow hunting permitted on the
9 property?

10 MR. GIBBONS: This park actually sees quite a
11 bit of use right through December. We accommodate bow
12 hunting in other areas. Historical structures of
13 significance, obviously we have a Third House, which is
14 the Third House on the east end, originally built in
15 1747. However, significantly altered in 1806 and again
16 later in the mid to late 19th century. We have the GATR
17 facility; that stands for Ground to Air Transit and
18 Receive Facility, circa 1950. That is part of the
19 waterfront protection program of the federal government,
20 dates back to post-World War II. We have talked about
21 that numerous times.

22 There has been great progress here. Lindley
23 House is an interesting artifact. It's a privately held
24 residence owned by the county. It's an agreement that
25 was worked out in the mid '70's to allow the Lindleys to

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2 continue tenancy of the structure. That ends in the
3 next three to four months. We have been in contact with
4 the Lindley family. Ms. Lindley was instrumental in the
5 preservation of the park. They brought the structure
6 directly from the federal government in the late 1950's
7 or early 1960's. The county had the option to buy them
8 out for many years. It was in the agreement; just opted
9 not to do to.

10 We are beginning what we would do with such a
11 place. The house was similar in structure similar to
12 Camp GATR and it has thick concrete walls but stands
13 designed to look like a seaside cottage, but very much
14 industrial construction.

15 MR. KAUFMAN: Do you have any pictures in
16 here?

17 MR. GIBBONS: No, it's not much to look at.
18 It has some features, narrow windows for observation of
19 the shore line. It's my understanding that they had
20 some sort of armaments up there as well. We are
21 researching that. I don't know what the Parks
22 Department is ultimately going to decide is the best use
23 for that. It's possible that the Lindleys will have a
24 role in that.

25 It has no utilities to speak of. Everything

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2 is run on propane. It would be a challenge to find a
3 tenant how you determine a fair market value. It's
4 possible that park staff could be accommodated there.
5 They used to be in Third House and they no longer are.

6 MR. KAUFMAN: You're going to make park staff
7 rough it?

8 MR. GIBBONS: They live out there all summer.
9 I think there are modern technologies can be applied
10 solar. It's probably one of the most exclusive
11 residences on the East End.

12 MS. SPENCER: What kind of access there?

13 MR. GIBBONS: Not good at all.

14 MS. SPENCER: You couldn't put the
15 observatory group out there.

16 MR. GIBBONS: It's pretty rough and the roads
17 are in pretty terrible shape to get there. It doesn't
18 lend itself to public assembly.

19 MS. GROWNEY: Just an update. The Montauk
20 observatory is no longer going to be in Montauk, it's
21 going to be at the Ross School.

22 MR. GIBBONS: The Apollo Ranch is a holdover
23 from the dude ranch era the property enjoyed in the late
24 30's to early '40's and mostly popular in the '50's
25 through the 1960's. There is certainly ample evidence

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2 of that period within Third House itself and the
3 continuation of that use down at the Apollo Ranch. The
4 site was part of Camp Wikoff. That is the
5 Spanish-American War. Theodore Roosevelt's base of
6 operations was in Third house. It was used as
7 aquarantine house for the soldiers. Over 29,000
8 soldiers were served at Camp Wikoff. That period of
9 time that was used was roughly eighteen months.

10 MS. SQUIRES: There is an interesting book
11 produced about that time period in Theodore Roosevelt's
12 life.

13 MR. GIBBONS: I can't do justice to the
14 amount of history that occurred within the park. There
15 are numerous sources or that for that, including Indian
16 Field and Pharoah Village that was researched by Joe
17 Hanneman in his report. Some of you are familiar with
18 that. That is a sensitive archeologic site located on
19 the property, but clearly the entire property is of
20 historical significance and in fact, dedicated to the
21 historic trust.

22 There are nine cabins and a four unit motel on
23 the site surrounding the back of Third House. In terms
24 of environmental significance and features, there is a
25 Big Reed Pond, which is a national landmark. The

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2 federal government recognizes it as an interesting
3 feature. We developed that nature trail system in and
4 around Big Reed Pond, which I encourage people to avail
5 themselves of. The access of that is identified in the
6 aerial after East Lake Drive.

7 There is a maritime community within Theodore
8 Roosevelt Park, specifically, W-2. It's recognized by
9 the New York State Heritage Program as perhaps the best
10 example of maritime grassland in New York State.

11 In terms of management of the park, we have a
12 comprehensive plan from 1995. There are two reports
13 floating around, one was from 1993. It was never
14 adopted by the legislature. It was somewhat
15 controversial. It spurred the development of this other
16 board in which former county Legislator George Gouldi it
17 was involved. The 1995 report it has come in handy for
18 us today. We still use that today as our guiding
19 document. Following up on that within that document
20 recognizes it endorses the idea of grassland management.
21 Specifically we did a grassland management plan that
22 takes year look at how to best management that
23 community. Obviously, the council was very involved
24 with that.

25 First page of photos, that top left photo is

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2 the GATR site as of this past Monday. It's undergone a
3 terrific transformation. There are two buildings there.
4 The one in the foreground of the picture has not been
5 renovated. It's been painted by in-house parks staff.
6 The roof is somewhat intact but being repaired. Windows
7 are being replaced as necessary.

8 I'll jump to the lower right-hand corner
9 photo. That is the new maintenance facility. It was a
10 former GATR building as well. It was transformed to
11 accommodate maintenance uses. That came to the CEQ as
12 well. Both Rich Martin and myself worked closely with
13 the contractors and are pleased with the result of the
14 work. The staff has been working out of the base for
15 three years. This is a tremendous and long overdue
16 improvement to the park operation.

17 This is the entrance to the riding stables Deep
18 Hollow Ranch. Left lower photo is the log cabin
19 structure dating from the mid '70's. That is where you
20 go to check in and get your camping spot on the outer
21 beach. Next page, the top left is the four unit motel
22 built in the early to mid 1960's. Again, it's an
23 expansion of the dude ranch, expansion of the dude ranch
24 period.

25 The next photo to the right is what we refer

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2 to as the bunkhouse. Lower right is a picture taken of
3 several of the nine cabins that exist on the site. All
4 the structures date from the 1950's. The lower left
5 photo is of Third House itself, recently restored. It
6 was in terrible shape in terms of the roof specifically,
7 and more so the interior finishes as well. The project
8 is not yet complete. We have a temporary YO office
9 space but we have no C.O. for any kind of public
10 assembly. That is a work in progress. We have money in
11 the capital program for construction, so planning is
12 continuing. Planning for the next phase of that work
13 continues. We were very pleased with the way the
14 restoration turned out.

15 MS. SPENCER: I haven't been there for two
16 years. There are people now utilizing parts of Third
17 House

18 MR. GIBBONS: We have part of our parks office
19 working out of there. Their offices are back in there.
20 We like to get that momentum restarted. We have lost
21 some of that. Parks staff themselves are in there.

22 MS. GROWNEY: How much of the interior of
23 Third House has been dealt with?

24 MR. GIBBONS: Probably two thirds of it, but
25 the retaining third is really that dude ranch. We had a

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2 bar in there, restaurant, commercial kitchen. That is
3 all very rough, to say the least right now.

4 MR. KAUFMAN: You took the bar out?

5 MR. GIBBONS: The bar remains but it's not
6 stocked.

7 MS. GROWNEY: The job looks really good. I
8 had a question about the bunkhouse. Anybody been down
9 to the interior of the bunkhouse?

10 MR. GIBBONS: No, unfortunately, the interior
11 has been the same as it has been. That structure was
12 proposed for the the house for the observatory and that
13 has been back and forth.

14 MS. SQUIRES: Nick, I would like to
15 congratulate you because that roof and this Third House
16 project has been discussed, I don't know how long,

17 MR. GIBBONS: I had nothing to do with it. I
18 happened to be around.

19 MS. SQUIRES: Fifteen years, Legislator
20 Schneiderman has been pushing and pushing for many
21 years. It's so exciting to have a roof on it.

22 MR. GIBBONS: I believe six commissioners
23 passed in our.

24 MR. KAUFMAN: Welcome to government. It took
25 six commissioners.

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2 MR. GIBBONS: There are a lot of fits and
3 starts. We had tremendous problems with the original
4 design. Without getting into that history, we are
5 pleased.

6 MS. SQUIRES: That is what you remember when
7 you have been around for a long time.

8 MR. GIBBONS: The final page, the top left,
9 that is a view from the past you are looking south to
10 the ocean.

11 MS. SPENCER: That is the bunkhouse.

12 MR. GIBBONS: That is the views that the
13 cabins have from the top of the pasture, top right,
14 looking down to the Deep Hollow Ranch.

15 MR. KAUFMAN: That is Rusty's place.

16 MR. GIBBONS: Yes. His agreement with us
17 goes to 2012, at which point it goes out to the public
18 for an RFP. The cabins, I consider them neat
19 structures; they're all different. They're in fair
20 condition. They're used by seasonal staff for housing.
21 You can imagine it's hard to find people to work in
22 Montauk and live for eight dollars an hour. We made
23 residency in these cabins, facilitate the restoration
24 and cut down the amount of time in getting out there.

25 MS. GROWNEY: Is Shakespeare coming out there?

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2 MR. GIBBONS: No, we have no proposal.

3 MS. SQUIRES: Why did that fold, them or us?

4 It was a unique performance. You don't have to read
5 Shakespeare to enjoy the program.

6 MR. GIBBONS: It grew to a point where it
7 precluded a lot of the other activities. It took on
8 life of its own. They took over residence of Third
9 House, all the cabins. It really displaced parks staff
10 and our operation.

11 MS. GROWNEY: If the Lindley House becomes
12 usable, is it possible that the park staff could be
13 there and Shakespeare could be back?

14 MR. GIBBONS: That is effectively displacing
15 us just as much. Lindley House does not lend itself as
16 a base of operations. Primary access and activity of
17 the park in and around Third House itself and at the
18 check station. Lindley House is so far removed from any
19 of that it doesn't make it effective.

20 My thought was it might be a residence for
21 staff, in terms of security of the operation itself.

22 MS. GROWNEY: They had one room in Third
23 House. Would that be sufficient as an office?

24 MR. GIBBONS: For park staff?

25 MS. GROWNEY: Yes.

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2 MR. GIBBONS: In Third House there is a lot
3 that needs to be determined in the coming years. We had
4 the Pharoah Museum downstairs, which contained and
5 displayed Indian artifacts. That had been moved to the
6 site. We had a Spanish-American war exhibit. Third
7 House nature study, which ran a program out there. All
8 of this was displaced by renovation of Third House.

9 We wouldn't be interested in providing for
10 Shakespeare they came back nearly as much space that
11 they evolved to take over in the ten years relationship
12 that we had.

13 MS. GROWNEY: It certainly brought things to
14 Montauk. There where a lot of people that were
15 dissatisfied with losing Shakespeare. There would be
16 factions that would be served if it came back in some
17 capacity.

18 MR. GIBBONS: They have not been interested
19 in some of the proposals we had to accommodate
20 theatrical production there. The storage of the stage
21 equipment and things became burdensome for us. It just
22 isn't reasonable to expect us to make that accommodation
23 available in the future.

24 MS. GROWNEY: Is there some other area that
25 they could?

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2 MS. SPENCER: Camp Upton, Camp Hero. One of
3 the bunkers.

4 MR. KAUFMAN: No matter how hard you push, I
5 don't think that the Parks Department is interested in
6 having Shakespeare.

7 MS. GROWNEY: I'm asking the question because
8 you know, there is a lot of dissatisfaction because of
9 it leaving.

10 MR. GIBBONS: Back to the aerial. Just to
11 give the general overview, the collection station
12 location and then you can see the dirt road that leads
13 out to the campground itself. Shagwong Point is one of
14 the most popular fishing spots on the Montauk peninsula.
15 Lindley House, central location in the park and you can
16 see the access to it. To the southwest is the GATR
17 site. Again, that roadway up there has recently been
18 revealed, so we are pleased with that. We are able to
19 use some funding to get that done as well.

20 In addition, adaptive reuse of the structure.
21 Still further south, Third House itself. It's a complex
22 of buildings. It's furthest to the south and there
23 are the cabins and motel units extend to the north.
24 Deep Hollow Ranch down to the east and following all the
25 way up back East Lake Drive, the hiking trails. South

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2 of Montauk Highway along the ocean the tremendous of
3 property acquired by the Parks Department with the
4 Friends of New York State Parks and Town of East
5 Hampton.

6 The parcels marked SC, they're not owned
7 entirely by Suffolk County, but we have a significant if
8 not majority interest in each of those properties.
9 There is one still further to the west side of Ditch
10 Plains. That parcel we happen to own outright.

11 MS. SPENCER: To the east where it says New
12 York State, under Oyster Pond?

13 MR. GIBBONS: It's Montauk State Park. I
14 have this as well. This shows -- it speaks to the past
15 use at Montauk was a significant impact on the
16 landscape. As this begins to wane, then you see the
17 progression from grassland to shrubbery further to --
18 the grassland study we did several years ago identifies
19 a core area of approximately two hundred ninety acres to
20 combat the natural succession that's occurring there.

21 We recognize that the grassland to some extent is
22 an artificial artifact of past uses, but it doesn't
23 diminish its significance. This progression again, it's
24 impossible to see from your vantage point. You have to
25 take a close look. You can tell the differences in the

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2 vegetation over time. As pasture use begins to wane,
3 you have the natural succession creeping in quite
4 rapidly.

5 MR. KAUFMAN: Regarding the aerials from the
6 1920's and '60's, though they're black and white there
7 is a photographic properties where you can do some
8 tinting. It's expensive.

9 MR. GIBBONS: It's amazing the lack of
10 development out there. Even in 1960 there is really
11 nothing going on. You begin to see along East Lake
12 Drive as those things begin to occur, as you have
13 housing coming in. That is what led the locals out to
14 push for acquisition of the park.

15 MR. KAUFMAN: If you are familiar with the
16 waves of population patterns on Long Island, the waves
17 of of population started to hit around 1960. Brookhaven
18 doubled in population between 1950 and '60. Smithtown
19 was fifty thousand in 1960 and a hundred twelve thousand
20 in 1970. You can see the population impacts on the area
21 and why the area needed to have preservation.

22 MR. GIBBONS: That is the extent of what I
23 prepared today. Are there any questions?

24 MS. GROWNEY: I do have some questions. Have
25 there been any other groups that have expressed interest

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2 in using the park in any capacity?

3 MR. GIBBONS: No, but in terms of Third House
4 itself, there is space within Third House. I think the
5 Parks Department has to proceed cautiously with how we
6 need to determine what uses we need to see happen. That
7 will guide what the next phases will look like. Because
8 the codes that are required for certain uses, they
9 really dramatically shift the focus.

10 For many years it was talked about that this
11 was going to be either a bread and breakfast facility or
12 catering facility for weddings. There is a tremendous
13 interest in that. That is not something that the Parks
14 Department is considering. However, we would like to
15 have some sort of informal or very much reduced prep
16 kitchen or meeting space. You would be surprised -- you
17 personally probably won't be, if you want to have a
18 certain kind of stove versus another, you have to have a
19 hand washing facility and new sanitary. And the
20 infrastructure is somewhat antiquated. Some of the
21 bones of this structure date back two hundred fifty
22 years.

23 You have to decide very carefully what you
24 want to do, understand what the implications of that
25 decision are going to be. That being said, there is

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2 interest in the Third House nature center coming back to
3 Third House, they're operating somewhere else right
4 now. We have sensitive artifacts that should be on
5 display for the public's enjoyment and understanding of
6 the property. They're boxed up. They're not realizing
7 their full potential either. The Theodore Roosevelt
8 period, although very brief, is still an important part
9 of the history. The last Montauk village was contained
10 within the park, as sad a history of that, that story
11 needs to be told as well. How you do that all in an
12 efficient way is tough.

13 MS. GROWNEY: There has been no application
14 made for any of those things?

15 MR. KAUFMAN: I heard that the casino was
16 coming in there.

17 MS. SQUIRES: Is there a Friends of Third
18 House organization?

19 MR. GIBBONS: No. There is a prominent group
20 that has been involved, the Concerned Citizens of
21 Montauk, which is a group made up of a lot of different
22 interests, historical preservationists and environmental
23 activists. It's fair to say they have kept a careful
24 and watchful eye on our management of the park. We work
25 closely with them. They are interested in office space

1 CEQ meeting - 10/20/10

2 there. We don't know how to handle that yet.

3 The good news is there is a roof on the
4 building. We bought ourselves a tremendous amount of
5 time. We need to use that time wisely and move onto the
6 next phase.

7 MS. GROWNEY: Motion to adjourn.

8 MS. GROWNEY: Second.

9 MS. SPENCER: First, thanks Nick for staying
10 and giving us a wonderful presentation.

11 MS. SQUIRES: Thank you for your concern with
12 the park, and your roof restoration is marvelous.

13 (Time noted: 12:20 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 County Council on Environmental
Quality meeting held on October 20, 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.

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

_____

JUDI GALLOP