

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, November 17th, 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, November 17, 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 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

Project Review:

Recommended TYPE I Actions:

- A. Proposed Acquisition for Open Space Preservation Purposes Known as Forge River Watershed Addition – Beechwood Moriches Building Corp. property, Town of Brookhaven.

Recommended TYPE II Actions:

- A. Ratification of Recommendations for Legislative Resolutions Laid on the Table November 3, 2010.

Recommended Unlisted Actions:

- A. Proposed Declaration of 95.3 acres of Industrial/Commercial Zoned Property surplus/offer for sale, Town of Brookhaven. Tabled from October 20th, 2010.
- B. Proposed Acquisition for Open Space Preservation Purposes Known as Forge River Watershed Addition – Shaw Property, Town of Brookhaven. Tabled from October 20th, 2010.

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

100 Veterans Memorial Highway
Hauppauge, New York
November 17, 2010
9:33 a.m.

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MEMBERS PRESENT:

- R. LAWRENCE SWANSON, Chairman
- MICHAEL KAUFMAN, Vice Chairman
- HON. VIVIAN VILORIA-FISHER
- EVA GROWNEY
- RICHARD MACHTAY
- GLORIA G. RUSSO
- MARY ANN SPENCER
- DANIEL PICHNEY
- JAMES BAGG
- JOY SQUIRES, CAC Representative
- RICHARD MARTIN, Historic Society
Representative
- THOMAS A. ISLES, Director of Planning
- LAURETTA FISCHER, Principal Environmental
Analyst
- MICHAEL MULE, CEQ staff
- CHRISTINE DeSALVO, CEQ staff
- LINDA SPAHR, ESQ., Ass't County Attorney

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1 11/17/10 CEQ meeting

2 THE CHAIRMAN: I would like to first off
3 welcome our old friend Jim Bagg. Nice to have you
4 aboard as a voting member.

5 MR. BAGG: Thank you very much. It's a
6 pleasure to be here.

7 THE CHAIRMAN: Anybody check the minutes? We
8 had this issue with the May minutes; I don't know what
9 we do with it now.

10 MR. MACHTAY: I was not here for May.

11 MS. DeSALVO: Mary Ann sent in a few comments
12 on a letter that she had written. There were a few
13 words that were omitted. Otherwise, she approved her
14 section.

15 THE CHAIRMAN: Anybody want to make a
16 motion?

17 LEG. VILORIA-FISHER: I'll second that.

18 MS. SPENCER: I'll move.

19 THE CHAIRMAN: Any further discussion? All
20 in? Favor. Opposed?

21 MR. MACHTAY: Abstain.

22 MR. BAGG: Abstain.

23 THE CHAIRMAN: I would like to review, if we
24 can, the issue of the minutes because clearly, all of us
25 do not read them because they are so extensive seeing as

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2 they're stenographic records. I wonder if there isn't a
3 more efficient way that we can review them. For
4 example, would it be possible for staff to review them,
5 and if there are major glitches, call them to our
6 attention?

7 MR. MULE: Sure.

8 THE CHAIRMAN: I think it is sort of a sham
9 the way we are doing it now. If we can do that, I think
10 that would be helpful to the overall process.

11 MR. MULE: Sure.

12 THE CHAIRMAN: Secondly, since Legislator
13 Viloría-Fisher is here, Vivian, is it possible that we
14 could review the business of having to have stenographic
15 records for this?

16 LEG. VILORIA-FISHER: We would save money.
17 This was on the insistence of a former legislator. I
18 would be happy to go back and take a second look at
19 that. When I had been on CEQ in 1999, 2000, 2001 and
20 2002, we didn't have verbatim minutes. It seemed to be
21 easier for us to review that because it wasn't as
22 extensive. I think it's up to the body also to see how
23 they feel about it. Although came in handy when we had
24 the vector control issue.

25 THE CHAIRMAN: We could call, as staff and

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2 people felt it was necessary, for example, when we had
3 vector control, or perhaps doing Legacy Village or
4 something like, that we could maybe foresee when we
5 might need a stenographer. I don't know, what do the
6 rest of you think?

7 MS. SPENCER: I know this is really
8 old-fashioned. Couldn't we get a tape recorder, and
9 that way if there was something that we needed to look
10 at again, there would be a verbatim record.

11 THE CHAIRMAN: That is good suggestion.

12 MR. BAGG: In the past, the CEQ staff taped
13 the meetings and they had a verbatim record if
14 necessary. If the county attorney required it, those
15 were typed up for review and a record.

16 If you go to Robert's Rules of Order, it says
17 minutes are a summary of business transacted, not every
18 word that is uttered. In essence, verbatim minutes
19 doesn't conform to the original intent.

20 MR. MULE: Article 1 of the Suffolk County
21 Charter, Environmental Bill of Rights, Section C-1-4 D.
22 "Council on Environmental Quality shall maintain
23 verbatim minutes of all council on environmental quality
24 meetings, i.e. regular meetings, special meetings,
25 committee meetings, and subcommittee meetings of the

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2 counsel on environmental quality and provide copies of
3 such verbatim minutes to the county legislature within
4 thirty days after each such proceeding or meeting has
5 concluded."

6 LEG. VILORIA-FISHER: In '99, why didn't we
7 have a stenographer here? They were taped.

8 MR. BAGG: That was passed by Legislator
9 Fields. That is when the change was made, 2002.

10 LEG. VILORIA-FISHER: That is the change in
11 the charter.

12 THE CHAIRMAN: We can change back.

13 MR. GROWNEY: I like the idea of doing it by
14 tape. It's certainly an easy thing to do and not
15 terribly expensive to have it taped. For me, I think
16 there is value in hearing, being able to review
17 something intensely if need be.

18 MR. KAUFMAN: In the past when there have
19 been tapes and I listened to a few of them, the taping
20 quality was not that good. We need to have several
21 microphones here to really have an efficient record
22 kept. So, verbatim taping, unless we are at the ledge
23 with mics, is a little bit of a problem.

24 Second off, I don't know, when I got here in
25 '92, I think it was we were having minutes taken by Gail

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1 and Terry at that time, who were former personnel here
2 and dearly missed. They used to capture the essence of
3 the discussions that were going on. That also would
4 obviously record the votes and things like that. It is
5 a little bit of a burden upon staff, basically, to do
6 this beyond Mike, for example, just listening to what is
7 going on and helping guide us. That may place a burden
8 upon, for example, Christine, who would be the obvious
9 person to take some of these notes.
10

11 While I personally advocate that, I found
12 those synopsis to be very useful. Sometimes, I will
13 admit that some of the discussions and some of the
14 intricacies were lost in doing all of that and you had
15 to have a pretty good memory. So there is good and bad
16 to all of it. I think I would probably myself come down
17 on the side of continuing the way we are at this point
18 in time, unless we can be assured that the minutes with
19 the recording would be accurate and that we would have
20 some way of looking back. Sometimes you have to look
21 back a couple of years to see things. It's an issue.

22 LEG. VILORIA-FISHER: Technology has come a
23 long way since even a few years ago when we were doing
24 the taping. My office was keeping minutes, but my aide
25 was keeping minutes at one of my task forces. What she

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2 did was we had the tape recorder that you could just
3 connect to your computer and it sent the digital message
4 and we had the minutes on the computer. And if we
5 wanted to refer to it, we could.

6 THE CHAIRMAN: You will look into it?

7 LEG. VILORIA-FISHER: All I would have to do
8 is introduce a change to the charter. But I would like
9 to know how the rest of everybody feels about going back
10 to where we were before 2002.

11 MS. SPENCER: **We tape the historic trust committee.**
12 It was probably a twenty dollar tape recorder, it works.

13 THE CHAIRMAN: Everybody in favor of going
14 back to the old style minutes, raise their hands.
15 Opposed? I think what bothers me most of all now is
16 that I would venture to guess, well, in this case,
17 probably one person read the minutes and we all voted to
18 approve it. That is inappropriate. So, I think this
19 would be a good change. Yes?

20 MS. JOHNSON: Mary Ann Johnson, President of
21 APCO. One of the purposes of having the minutes taken
22 here is to create transparency for the public so that
23 the public can see what the conversations were. You may
24 not remember them as they had been, but the public, not
25 having been here, has the opportunity, with verbatim

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2 minutes, to know what transpired, and that is probably
3 the reason for having them in the first place.

4 THE CHAIRMAN: They're not minutes, it's a
5 transcript. Minutes is a summary of the meeting.

6 MS. JOHNSON: Verbatim.

7 DIRECTOR ISLES: From the department's
8 standpoint, I think we would want to confirm that we
9 have the ability to do it in-house. I think we do. I
10 would like to go over that with Michael and Christine to
11 get a sense of how much extra time it will take for
12 Christine to do. If there is any problem, I will let
13 you know.

14 THE CHAIRMAN: If you need a lap top, we
15 would certainly save very quickly the amount of a
16 stenographer.

17 LEG. VILORIA-FISHER: I think that
18 Ms. Johnson's comment was a very important comment and I
19 don't want to pass over it quickly because that was a
20 very important piece. When we were looking at vector
21 control, looking at the plan, as you remember, there
22 were people that wanted to be be able to see the
23 minutes. That is why I'm suggesting that we use a
24 recording device that has the digital capacity so we can
25 put it on the Web or have a record of it. So that we

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2 can corroborate who said what on what basis, did we make
3 a vote.

4 The county has been trying to be as
5 transparent in all of our deliberations as we possibly
6 can. Ms. Johnson's point is very important, but I think
7 we can fulfill that by having the right type of taping.

8 MS. JOHNSON: You can use technology to do
9 it?

10 LEG. VILORIA-FISHER: We as a body would just
11 need actual minutes and not verbatim minutes to take a
12 look at it and I agree this is what happened at the
13 meeting and the salient points. I think that would
14 cover both pieces.

15 THE CHAIRMAN: Correspondence. We all should
16 have received by e-mail, Vector Control Pesticide
17 Management Committee Annual Report.

18 MR. KAUFMAN: I was asked by the committee
19 to speak on this. This is an outgrowth of the vector
20 control and management plan that was adopted by the
21 county back in 2006 and '07. As part of that plan, a
22 yearly report was to be prepared dealing with
23 pesticides. And frankly, also, there is a yearly report
24 on marshes. We sort of split everything in two. They
25 have the vector control pesticide management committee.

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2 It's composed of people from E and E, Health, some
3 outside team people, some non-government people, myself,
4 and **Carrie** Gallagher is the chairperson.

5 We meet four times a year and go over all of
6 the issues that have come up regarding vector control
7 and chemicals that are being used and larvicides,
8 adulticides, whatever is out there. We look at emerging
9 literature, for example, dealing with methoprene. We
10 look at a number of control factors, how effectively
11 some of the chemicals are. Are they losing
12 effectiveness. We look at new chemicals that might be
13 coming out. The chemicals that are used of the
14 adulticides, one of them may be phased out that the
15 county uses now as part of the EIS; that may be phased
16 out in the next year or so, and some new adulticides may
17 come in.

18 You basically have the background of it, who
19 is on it. We tried to do some research proposals to
20 look at the various chemicals being used. We also do
21 literature reviews. We looked at issues for future
22 consideration, summaries, conclusions, things like that.

23 In essence, what we have found so far is the
24 conclusions regarding the chemicals used in larviciding
25 and adulticiding are pretty much in line with the 2006

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2 plan conclusions. Nothing has really changed. We have
3 not seen any, I think the proper word is **teratogenic**
4 effects, massive effects akin to say DDT. We are not
5 seeing it anyplace. We are not seeing major damage to
6 the environment, we are not seeing build-ups of
7 chemicals in the groundwater or soils.

8 We have gotten a research proposal out and
9 funded with the U.S. Geological Survey to do further
10 reporting on chemicals in -- or chemical detects in both
11 groundwater and in the marshes, and we are not coming up
12 with anything frightening. The literature itself, also
13 to this point, indicates we are essentially doing it
14 about the best we can. Again, I emphasize for the
15 fourth time now we are not seeing any giant impacts,
16 even at the lower order of species from the grass shrimp
17 on down to the other arthropods out there.

18 This is prepared every year. There is a
19 separate component of this. The triannual report I
20 don't think has been presented to CEQ just yet. That is
21 updating the entire vector control and marsh management
22 side of things. Just to let everyone know, the wetlands
23 research component is well under way to developing a
24 marsh management plan. That is sort of separate from
25 what we are being presented with here today. And

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2 basically we are looking at everything about four times
3 a year and everything is in line with what we are
4 supposed to be doing under the EIS.

5 If nothing else, this was presented to us for
6 informational purposes. No vote is required on any of
7 this at this point in time.

8 MR. BAGG: I have a question. I assume that
9 the Department of Vector Control will be submitting the
10 2011 vector control plan to the CEQ that requires SEQRA
11 review.

12 MR. KAUFMAN: That was done last month.

13 MR. PICHNEY: Mr. Chairman, may we go off the
14 record.

15 THE CHAIRMAN: Off the record.

16 (Discussion off the record.)

17 MR. MACHTAY: I think one of the most
18 interesting things, they're still finding derivatives of
19 DDT in the soil when they do the testing. It's thirty
20 years, almost thirty years since it's been banned. It's
21 really a very persistent chemical. You don't know what
22 we will find thirty years from now from the stuff we're
23 putting on now.

24 MR. KAUFMAN: Doing the same types of test
25 and trying to look at chromosomal components, as far as

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2 I understand, no one has ever seen that kind of impact.
3 DDT was, shall we say, in a class by itself. The
4 chemicals that are being used right now seem, and I
5 emphasize seem not to have that kind of impact deep
6 inside the cell.

7 MR. MACHTAY: The last thing, the farmers for
8 many years used arsenic to keep the weeds down, and you
9 go out to a new development that was farmland and test
10 the soil, the Health Department has all kinds of
11 problems with that sort of thing because there is
12 arsenic in it in the first six inches, no matter how
13 many years ago it was put in.

14 MR. KAUFMAN: The County Health Department, a
15 couple of years ago, came out with a massive report and
16 it was showing massive amounts of chemicals that the
17 farmers used, especially on the East End, and also very
18 heavily on the West End and it was getting into the well
19 fields. Basically, the groundwater you can literally
20 detect a lot of that stuff. It is a problem. No one is
21 denying that in any way, shape or form. That is what we
22 are trying to avoid. So far, we haven't seen those
23 effects. We are praying we don't.

24 THE CHAIRMAN: It took thirty to forty years
25 for people to realize the impacts from PCB's. The

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2 chemical started out to be a good chemical and it turned
3 out to be terrible. Now its bisphenol A, what is that
4 doing. That was not used as a pesticide, it was used in
5 our cups. The truth is, we don't know what the impacts
6 of chemicals are. It's important to keep a very close
7 eye on long-term effects.

8 MR. KAUFMAN: That has been some of the
9 research proposals we are trying to get funded through
10 the county.

11 THE CHAIRMAN: Historic Trust. Rich.

12 MR. MARTIN: Good morning. With our housing
13 program in Suffolk County Parks we have four vacancies,
14 two -- long, actually one longstanding vacancy at
15 West Hills County Park known as the Stimpson House. We
16 have not been able to rent that since the program had,
17 as you know, a number of years ago gone to market rate.
18 We have since modified the rate due to the cost of the
19 utilities here, but we have not gotten anyone
20 interested.

21 Also, another house, similar size and time
22 period is the Oakley House, also in West Hills County
23 Park. The tenant has moved out and we have not been
24 able to rent that building. The Parks Department has
25 decided we need to take a take a second look at these

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2 houses in Huntington, so we will be calling another
3 housing committee meeting. That notice is just going
4 out now. It was just decided yesterday.

5 MR. MACHTAY: Mr. Chairman, question. You
6 say they have modified the rent. What is the rent? Are
7 we talking about a thousand dollars a month?

8 MR. MARTIN: Two thousand, plus utilities on
9 top of that.

10 MR. KAUFMAN: The utilities are horrible.
11 Those houses are unheatable. No insulation in the walls.

12 MR. MACHTAY: Two thousand dollars a month is
13 high.

14 MR. MARTIN: The point of the program is to
15 get them rented. We can also go to private rentership.
16 We only canvassed county employees. We can make the
17 decision to do that again or start to advertise this
18 locally to get that rented. We are allowed to do that.
19 I would suggest contacting historic societies in
20 Huntington and other groups. Maybe their membership has
21 someone who would appreciate the historic structure.

22 LEG. VILORIA-FISHER: Richard I don't think
23 you were here to try to introduce legislation to try to
24 make it more affordable. Having someone from the
25 historical society would give us points to help lower it

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2 more. There are a number of criteria. The intrusion,
3 the lack of privacy, security issues.

4 MR. MACHTAY: I don't know if you were here
5 when I said about the rentals where the county, so as to
6 encourage affordable housing, they take a unit and make
7 it two or three thousand dollars a month. That is not
8 very affordable for a young couple or one single or
9 retired person, especially if it's in a public place
10 where you have all kinds of strangers walking by, and
11 have to put up with all kinds of God knows what. It's
12 sort of the antithesis of what the county is trying to
13 promote.

14 LEG. VILORIA-FISHER: Richard has to walk the
15 fine line between gifting county property because of
16 favoritism or whatever; all of the allegations that were
17 made. That is why we developed a grid to show what the
18 different criteria were that would allow us to give
19 discounts. An important thing is we are securing county
20 property.

21 MR. MACHTAY: No question about it.

22 LEG. VILORIA-FISHER: Two thousand is not
23 cheap.

24 MR. MACHTAY: As long as we understand one
25 another.

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2 LEG. VILORIA-FISHER: We are on the same
3 page.

4 MR. MARTIN: Those would be given a second
5 look. The two houses at Robinson Duck Farm are also
6 vacant. That is due to the parks warden hadn't finish
7 the work in order to rent them. Both of those
8 buildings, the tenants had done a lot of damage to the
9 buildings and they need to be fixed up. That is in the
10 works right now. Those rents, we haven't advertised
11 those too. We need to get them finished and advertise
12 them.

13 We are hoping, at this point, have the
14 committee take a look and then by the first of the year
15 put another mailing out to county employees.

16 MS. GROWNEY: I have a question about the
17 damage. Are there security deposits involved that are
18 put towards the damage?

19 MR. MARTIN: There is not a security deposit
20 at this time. The committee could take a look at that
21 point. What we found, and what the priority of the
22 program is to have a county employee rent these, and we
23 find that works better for us. We're not a real estate
24 company. Their rent comes out of their checks
25 automatically and we feel we have a little more control

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2 over the units when they are county employees.

3 Those two units at the duck farm were private
4 individuals that rented. We feel we have more control
5 when they are a county employee and tied into the
6 program. We need to screen, if we bring private
7 individuals in, to screen them better, and it's possible
8 a security deposit would be placed on them.

9 LEG. VILORIA-FISHER: I think that would be
10 worthwhile to take a look at that, or some sort of
11 clause.

12 MR. MARTIN: You can definitely ask for them
13 to pay for the damages. In the one case, though we had
14 to evict the tenant, they didn't go willingly and left
15 the state, and sometimes people leave and don't pay the
16 rent. We have had that issue also. We have incidents
17 where we had to go to the court, but we are not usually
18 successful.

19 MS. GROWNEY: I think it's worth looking at,
20 putting in something to give greater protection.

21 THE CHAIRMAN: Anything else?

22 MR. MARTIN: That is all I have on the
23 housing. For the custodial agreement report, I sent out
24 requests for the historic trust and CEQ to approve the
25 new contracts that the Parks Department is developing

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2 with these two organizations. The first I would like to
3 discuss is the Long Island Maritime Museum. I sent just
4 a cover letter with some information, which is actually
5 from our Website on the museum activities.

6 The Maritime Museum has been been with the
7 Parks Department since the beginning of the Parks
8 Department. This museum site, which we had a number of
9 visits over the years with the historic trust committee,
10 is located at West Sayville County Golf Course, which is
11 officially known as Charles R. Dominy County Park. It's
12 within some of the estate buildings dedicated to the
13 Suffolk County Historic Trust, and it's approximately a
14 fourteen acre parcel at the southeast corner of the
15 property.

16 The museum was organized and established in
17 1966 at the site. They had worked with the Hart family
18 to establish the museum site there before the county
19 purchased. So we have been working with them for a
20 number of decades. They have an active program there
21 especially for the restoration of the boats and maritime
22 history, and we are looking to just renew their contract
23 at this time.

24 Since they were established before the CEQ
25 existed, we never had a CEQ review to approve their

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2 custodianship at that site. We do have eight historic
3 trust buildings that they are involved with and that
4 they use.

5 MR. KAUFMAN: We reviewed a number of
6 projects that came out of this thing. I remember the
7 marine railway. Was that ever completed?

8 MR. MARTIN: No, that has not been
9 completed. They have a grant to create a boathouse,
10 which is tied into the railway completion. That also
11 came forward here. The final plans are being worked on
12 now by an architect and they will be coming to you in
13 January for final review.

14 MR. KAUFMAN: I have been down there a few
15 times. The condition of the buildings under the
16 stewardship for this particular group, have you found
17 that to be proper?

18 MR. MARTIN: Yes. Again, like our other
19 historic sites, the county takes care of a majority of
20 the exterior work, painting, anything that is needed for
21 the utilities, furnaces, electric. It's a similar
22 arrangement that we have with our other historic sites.
23 They have gone forward and done some of the work
24 themselves with getting grants. The oyster house, they
25 got a grant to restore that building and also one of the

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2 storage sheds they got a grant to restore that building.
3 They have been good partners with us to keep the
4 buildings intact.

5 MR. KAUFMAN: They hold a number of festivals
6 down there. So they were bringing people down there to
7 be part of the historic experience in that area; is that
8 correct?

9 MR. MARTIN: Yes. They have had a contract
10 with us. Because this had been done so early, we never
11 formally came before the CEQ to get approval that this
12 is the right organization.

13 MR. KAUFMAN: Have they been good stewards of
14 the property?

15 MR. MARTIN: Yes.

16 THE CHAIRMAN: Any other comments? Do you
17 want to get approval of the committee to move forward
18 with this agreement?

19 MR. MARTIN: Yes.

20 MR. KAUFMAN: Make a motion to approve the
21 proposed custodial license agreement for the Long Island
22 Maritime Museum.

23 MR. BAGG: You have to make it a type two action.

24 MR. KAUFMAN: I would also classify this as a
25 Type II action.

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2 MS. GROWNEY: Second.

3 THE CHAIRMAN: Any further comments? All in
4 favor? Opposed? Motion carries.

5 MR. MARTIN: Second one today.

6 LEG. VILORIA-FISHER: I'm sorry to interrupt,
7 I have a question. The Mills House, how is that going?
8 I thought it's being divided.

9 MR. MARTIN: The Mills Isaac House in
10 Saint James, we do have a tenant in the west wing of the
11 house. It's a park police person, so the building is
12 secured. We have put a new roof on the building, worked
13 on landscaping around it, but we do not have any tenants
14 for the east part of the house, which is the larger part
15 of the building, and we still need to upgrade that
16 facility for public use.

17 I can move another resident in there. I can
18 use it for the existing use, but I cannot put in an
19 office space, which is what we planned.

20 LEG. VILORIA-FISHER: That park police
21 officer was there when we had our meeting. How much is
22 the rent going to be there on the bigger side, the east
23 part of the house?

24 MR. MARTIN: What we are hoping is to get an
25 organization with a custodial agreement. I can't go

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2 forward until I have funding for that site. The funding
3 for the roof, which needed to be done, did come from the
4 hotel-motel tax fund. As everybody understands, that
5 has been cut back, so I do not have the funds to do the
6 upgrading and renovations to the buildings at this
7 time.

8 THE CHAIRMAN: I thought the proposal was
9 that you wouldn't get anything.

10 MR. MARTIN: Division of Historic Services in
11 Suffolk County is completely funded by the Suffolk
12 County hotel-motel tax. That has diminished the funds
13 available for restoration work.

14 MS. SPENCER: It's a significant cut to their
15 budget.

16 LEG. VILORIA-FISHER: It's not illegal, but
17 it really does go counter to the legislative intent of
18 the increase of the hotel-motel tax. That was supposed
19 to be above and beyond the personnel cost and general
20 fund budget of the Parks Department.

21 Unfortunately, what it was used for was to
22 offset general fund expenditures so that influx of funds
23 that was supposed to come in for the restoration of the
24 homes, moving forward with the plans for all of the
25 historic buildings, has been stymied because it's now

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2 gone into personnel and just running the division.

3 THE CHAIRMAN: Can that be corrected?

4 MR. KAUFMAN: Twelve votes.

5 LEG. VILORIA-FISHER: No, not twelve votes.

6 We corrected it in other areas where it was more
7 critical, no offense. But the 477 Account was being
8 raided. The other parts of that was being raided. But
9 we didn't really have the -- well, last year I tried to
10 get the money back out there. There wasn't anybody
11 really to really represent the Parks Department at the
12 top, telling legislators that they had to keep the money
13 there.

14 So my colleagues, when I tried to -- because
15 we talked to people, Mary Ann, last year said well, that
16 is what people are doing, taking care of the houses, so
17 the money should go there. You remember the argument.
18 So I was unsuccessful in convincing my colleagues to
19 leave the money in its original legislative intent
20 because they felt it was serving the same purpose by
21 going to personnel and routine maintenance of the
22 homes. So we lost that -- not lost it, but it was
23 diverted. And these are tough economic times, just to
24 be fair.

25 MR. BAGG: If I recollect, I think that

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2 Commissioner Foley came in and said they were hiring
3 additional carpenters in the Parks Department that were
4 going to handle routine maintenance. Did that ever take
5 place?

6 MR. MARTIN: I don't know all the vacancies
7 department has right now, but I think there are
8 approximately seventeen vacancies in the Parks
9 Department and some of them are in the maintenance
10 division. I would have to check.

11 MR. BAGG: He said that that money was being
12 used to hire those individuals to handle the maintenance
13 of the county historic buildings.

14 MR. MARTIN: Yes.

15 LEG. VILORIA-FISHER: But they have to be
16 filed.

17 MR. BAGG: People left because of the
18 incentive. Did that ever take place?

19 MR. MARTIN: My memory relating to that when
20 we took the housing program, the funds from that, when
21 we cancelled the Friends of Long Island Heritage
22 contract and they were maintaining a number of the
23 rental units and took the rent money, then it was put
24 into the general fund. I think at that time
25 Commissioner Foley said the idea was that it would come

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2 back to the department as additional hiring to maintain
3 funds and hiring to maintain staff to maintain these
4 historic residences. That is what I remember.

5 MS. SPENCER: Which did not happen.

6 MR. MARTIN: That is what I remember.

7 MS. SPENCER: That's right.

8 MR. MARTIN: That conversation occurred at
9 that time when those funds from the rent were put
10 towards the general fund.

11 MR. BAGG: Has anybody done a review to
12 determine how much money is coming from the rent and how
13 much money is being spent by the Parks Department to do
14 this work?

15 MR. MARTIN: I don't know if there was a
16 formal review.

17 MR. BAGG: It appears like a nutshell game.
18 As the rents go in, it goes to the general budget. And
19 they want to use the hotel-motel tax, which was for
20 restoration. The Department of Historic Buildings is
21 being shortchanged dramatically.

22 MS. SPENCER: Can we go off the record?

23 MS. SPAHR: No, I don't think we can.

24 MR. ISLES: Unless it's an executive
25 session.

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2 THE CHAIRMAN: Do you want to wait?

3 MS. SPENCER: No, this is very important.

4 With all due respect, I think that something has been
5 put forward here that needs to be clarified. That is
6 that the enabling legislation, the hotel-motel tax was
7 for structures that were open to the public. That is
8 what it's for. Last year, when the county executive put
9 the entire historic services line out of Planning into
10 hotel-motel, I think that a legal opinion is needed
11 because that line pays salaries, and it pays for
12 materials and services for structures that are owned by
13 the county that are not open to the public.

14 So, it's not clear to me that this move is
15 legal. What is even more important is it's a
16 significant reduction in this line. It used to be that
17 there was a line under Parks for historic services, and
18 as the enabling legislation provided, then there were
19 additional funds for important historic structures that
20 were open to the public.

21 Last year, we did work together. You worked
22 very hard, and I will always be grateful for the effort
23 you made to correct that. As I recall, the problem was
24 that in order to move it back out of hotel-motel and
25 into Parks where it belongs, you had to find somewhere

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2 to offset it, and the legislature wouldn't go along with
3 the way that you found to offset it. I did not have the
4 sense that the Suffolk County Legislature was opposed to
5 the idea. I had the feeling that you and your
6 colleagues would have liked very much to find a way to
7 fix it, and times were tough and times are even tougher
8 this year, but I think it's important for the record
9 that it be understood what went on then and what is
10 being perpetuated today.

11 THE CHAIRMAN: So you are requesting a legal
12 opinion; is that correct?

13 MS. SPENCER: No, because this is a legal --
14 I wanted to go off the record because I didn't want to
15 risk offending Vivian in any way.

16 LEG. VILORIA-FISHER: No offense taken
17 because I put what you said on the record last year.

18 MS. SPENCER: That was on the record last
19 year and I'm repeating it this year. I want there to be
20 no misunderstanding of what has been done by the county
21 executive and perpetuated by the legislature and the
22 effects that it has on the historic structures in
23 Suffolk County.

24 MR. KAUFMAN: We should go back to 2003 when
25 the promises were made by Commissioner Foley to hire

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2 more staff to take care of the buildings. I'm not sure
3 that the buildings, frankly, have been kept up to that
4 standard.

5 MS. SPENCER: That one is stickier because if
6 you look at the rents that come in for the historic
7 properties and then the amounts of money that the county
8 spends on those historic properties, it's not at all
9 clear to me that there is a huge difference there.

10 I'm far less concerned about that issue
11 personally. I understand what Foley was doing and he
12 was doing it because the historic trust committee pushed
13 him to do it. I understand what he was trying to do.
14 That one is not so clear to me.

15 MR. KAUFMAN: I've seen different numbers and
16 it's a little bit clearer to me.

17 LEG. VILORIA-FISHER: I agree with Mary Ann
18 that that is not as clear. When we had the Friends
19 operating this, they were bringing in money and spending
20 money so there was kind of a lockbox situation. When
21 the county collects money, it goes into the general
22 fund, so you don't have that very clear conduit of funds
23 coming in and going back out.

24 With the enabling legislation, you're
25 absolutely right, Mary Ann, and I didn't go as far as

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2 you did because I didn't want to get political about
3 it. But you have to remember that one legislator can
4 state an opinion, but you need the vote of a majority to
5 **make** a change. So I don't take offense at all.

6 MS. SPENCER: Thank you.

7 LEG. VILORIA-FISHER: Because I presented the
8 case and I just didn't have the votes. However, the
9 case here is the enabling legislation directs the use of
10 the funds. This is why this last budget I was able to
11 convince my colleagues, even though it's harder this
12 year when there was even a greater raid of the
13 hotel-motel tax, to use that hotel-motel tax for three
14 salaried positions in Economic Development. I said we
15 have to draw a line in the sand. Otherwise, we are
16 perpetuating a public lie that we told people that they
17 would have an increase in hotel-motel tax and it would
18 be used for that purpose and it's not being used for
19 that purpose.

20 This year we did put those three salaries back
21 into the general fund and didn't allow to continue to
22 raid the hotel-motel tax. Last year, I guess because it
23 was the first time with the hotel-motel tax and it
24 seemed to be flush, people weren't as willing to do it.
25 This year it became clearer that we can't continue to

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2 raid that. We had the same problem with 477 year after
3 year. You know how many Parks personnel are paid for
4 out of 477.

5 This year we drew a line in the sand. There
6 were six positions being taken out of 477. I brought
7 them out of the working group and we put them back into
8 the general fund. Last year I couldn't convince my
9 colleagues and I need the twelve votes.

10 THE CHAIRMAN: Where do we go from here? It
11 seems there has been a need identified for a little
12 accountability. But I don't know that asking the Parks
13 Department of the executive part of Suffolk County
14 government to do that it will solve the issue, and CEQ
15 does not have a lawyer, and our past experience, I think
16 is we have not been particularly well represented by
17 Suffolk County legal counsel on a couple of issues.
18 What can we do, Vivian?

19 LEG. VILORIA-FISHER: We do have a lawyer
20 because you're part of the county. We can ask our
21 county attorney to opine on this, for an opinion
22 regarding the enabling legislation, and we can also ask
23 legislative counsel for his opinion because you are a --
24 you do work in giving recommendations to the
25 legislature. So, I think I would like to make a motion

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2 that we ask both Christine Malafi, our county attorney,
3 and George Nolan, attorney for the legislature, for a
4 written opinion regarding the use of hotel-motel tax
5 vis-a-vis its enabling legislation, and whether or not
6 the use of those funds for Parks Department functions --

7 MS. SPENCER: For historic services.

8 LEG. VILORIA-FISHER: Is appropriate.

9 MS. SPENCER: I second that one.

10 THE CHAIRMAN: Any further discussion? All
11 in favor? (Show of hands)

12 MR. MARTIN: To finish, the other contract we
13 are working on is for the Cedar Point lighthouse. There
14 is with the Long Island Chapter of the U.S. Lighthouse
15 Society. And we had initiated some work with them seven
16 years ago, with just a Parks Department agreement. They
17 were very eager to start programs on the site, which
18 basically just involved tours, walking tours out to the
19 lighthouse.

20 We told them the first request we had to help
21 us would be to get the lighthouse placed on the National
22 Register of Historic Places, which we didn't have all
23 the historic information needed for that. They did
24 proceed doing that research, wrote the nomination
25 themselves and submitted that and the building is now

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2 listed on the National Register of Historic Places, it's
3 a great help. If there are grant moneys in the future
4 available, it would now be eligible.

5 The organization now would like to have some
6 new members and they really are interested to start the
7 restoration of the lighthouse itself. The first phase
8 ofg that would be to put a new roof on the building.
9 The lighthouse did have a fire after the county
10 purchase, so the interior is gutted. The Parks
11 Department put a roof on it at that time, but it's in
12 need of replacement with a more historically accurate
13 design. They are looking to campaign and fully fund
14 that at this time.

15 I do not have any county funds to back up
16 their efforts at this point. I would like to support
17 their effort. This is going forward with the county
18 land agreement, which is a more formal agreement to have
19 that group be able to raise funds and go ahead with the
20 restoration.

21 MR. KAUFMAN: First off, didn't we just
22 review a master plan for the lighthouse that was for the
23 parks?

24 MR. MARTIN: For the record, it's called
25 Cedar Point County Park.

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2 MR. KAUFMAN: What you have was about three
3 months ago. I'm all in favor of this. Don't
4 misunderstand the questions that I will ask. A lot of
5 groups formed in the past to preserve lighthouses. You
6 have any idea how successful some of these groups have
7 been?

8 MR. MARTIN: Yes, there are a few groups on
9 Long Island. The county only owns one lighthouse, so I
10 don't have the experience on that issue. To be honest,
11 that is why we were reluctant to run ahead with a formal
12 group in the beginning. We wanted to see what they were
13 able to accomplish.

14 I think at this time we realize they're
15 serious and probably will be able to fundraise. They
16 have a hired architect who they were paying for to start
17 the design of the roof. We had another group that
18 started maybe twenty years ago that did not stay
19 active. I think this group will stay active, and
20 they're also tied in with the national organization
21 which is the U.S. Lighthouse Society, so they have that
22 backing. They're not just out there on their own to get
23 experience from the other members. We are confident
24 that they will be successful.

25 MR. KAUFMAN: The reason I ask that is because

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2 some of the lighthouses on the North Shore you had
3 groups formed. They got some fund work done and the
4 funds dry up and they disband, and they are not able to
5 do the work that they wanted to do.

6 There are so many lighthouses on the North
7 Shore, something like sixteen, that has had interest.
8 From the Huntington lighthouse to Execution Rocks off
9 of Port Washington. The groups only get so far and
10 because the costs become daunting, I don't want to see
11 the structure fall apart, and it's in terrible condition
12 right now.

13 MR. MARTIN: I appreciate your point. They
14 realize the county's financial situation. That is why
15 they are willing to go ahead with the replacement of the
16 roof. Normally would be the county's responsibility. We
17 do not promise them anything. We don't have a capital
18 line on the lighthouse. They understand that and are
19 willing to go ahead. In better times, the county
20 appropriated fund for projects.

21 MR. KAUFMAN: You think these people are
22 serious?

23 MR. MARTIN: They took the suggestion
24 seriously when they met with Parks. It was like okay,
25 you realize we don't have funds right now. The priority

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2 would be the roof. You can't go inside and start
3 rebuilding the interior. They agreed. We met with
4 Public Works, so they understand the guidelines they're
5 under when they put the job out to bid. They understand
6 those points.

7 I have a professional architect that can stamp
8 the plans. That is why we are willing to go ahead with
9 the contract.

10 MS. GROWNEY: Have they mapped out, after the
11 roof, what their plans are? Do they have a list what
12 they are trying to address?

13 MR. MARTIN: In basic concept. Some of the
14 points are on their Website. They're hopeful of, I
15 guess, of a complete restoration of the interior. That
16 is going to take a lot. They can also, which I call
17 Plan B, is maybe create a staircase and platform for
18 viewing inside the lighthouse and just restore the
19 structure itself, the granite walls.

20 I think there are different options to work
21 with them. Their goal is full restoration. They feel
22 once they get the word out on the East End, they will
23 garner that support. Hopefully, the county can back up
24 with some funding.

25 MR. GROWNEY: Are there tours there at the

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2 moment?

3 MR. MARTIN: Yes. They have what they call
4 lighthouse challenge or something like that, where they
5 organize a tour on Long Island where people visit all
6 the lighthouses on the weekend. They get a passport and
7 their hand gets stamped.

8 MS. JOHNSON: The Cedar Point Lighthouse
9 happens to be a lighthouse very close to my heart. I
10 was probably one of the last people to be in it before
11 it was burned down by the welder. It is a special
12 place. It's not just people on the East End that love
13 the lighthouse. I come from Babylon and travel the full
14 seventy miles and walk out there were my border collie.

15 I would be happy to lend the auspices of APCO
16 to do what we need to do to lend efforts to do what we
17 need to do to help restore that lighthouse.

18 THE CHAIRMAN: Richard, would you follow-up
19 on that kind offer?

20 MR. MARTIN: Yes.

21 THE CHAIRMAN: We need a motion to approve.

22 MR. KAUFMAN: Motion. I believe that would
23 be a Type II action. This is not a historic trust
24 property, if I remember correctly.

25 MR. MARTIN: Yes. Definitely it is.

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2 MR. KAUFMAN: So if also has to be an
3 approval of the the Historic Trust for the custodial
4 agreement. That is my motion.

5 MR. GROWNEY: Second.

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

8 MR. MARTIN: That is all I have today.

9 MR. ISLES: Larry, did you intend to skip the
10 public portion?

11 THE CHAIRMAN: What do you mean? We had the
12 public --

13 MR. ISLES: I'm making the point, maybe there
14 were some general statements. I wasn't sure if it was
15 your intention or not.

16 THE CHAIRMAN: No. Christine, gave me a
17 letter today to sign for or to go to Gloria Rocco
18 requesting that we put a plaque on the Stony Brook post
19 office commemorating the formation of EDF and banning of
20 DDT, so we will get that out.

21 THE CHAIRMAN: Recommended Type I action,
22 proposed acquisition for open space known as Forge River
23 Watershed Addition, Beechwood Moriches Building Corp.,
24 Town of Brookhaven. Welcome, Laretta.

25 MS. FISCHER: Good morning. I have before

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2 you the Forge River Watershed Addition, Beechwood
3 Moriches Building, Corp. property is a multi-step
4 acquisition. It will be a fifty-fifty acquisition with
5 the Town of Brookhaven, for a total of a hundred fifty
6 acres approximately in four different groups of
7 acquisitions that we have identified as Exhibits A
8 through D in the resolution for acquisition.

9 The first, Exhibit A, is the properties that
10 are presently owned by the Beechwood Moriches Building
11 Corporation, which totals seventy-two point two six
12 acres, plus or minus, and they're identified in red
13 outlined on your map. The second portion of this are
14 properties outlined in yellow, and listed in Exhibit B,
15 as those properties that are to be condemned for this
16 acquisition by the Town of Brookhaven in working with
17 the Beechwood Moriches Building Corporation.

18 That totals four point eight eight acres at
19 this point in time. The town has moved forward in their
20 condemnation procedure through town resolution. Exhibit
21 C identifies properties presently owned by the Town of
22 Brookhaven totaling forty-nine point three eight acres,
23 outlined in purple on your map. And those properties
24 were primarily transferred to the town, via the
25 Beechwood Moriches Corporation subsequent to this

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2 acquisition.

3 There are also two parcels owned by the County
4 of Suffolk, totaling point five five acres that will
5 also be part of this acquisition that we took in the
6 past by tax lien. So, how this will be combined is
7 through acquisition and transfer of properties from the
8 town and the county through a fifty-fifty ownership of
9 all properties outlined, for a total of a hundred
10 forty-nine point four five acres.

11 I just want to make two points for you with
12 regard to the resolution. There was an error in the
13 13th resolved. It should read as a Type I action. It's
14 unlisted, but it's a Type I and we will make that
15 correction in the resolution.

16 THE CHAIRMAN: That is because it's more than
17 a hundred acres.

18 MS. FISCHER: Yes. Mike Mule sent out a
19 letter for coordinated review. We got a response back
20 from New York State. They were are also partnered in
21 this. They will be contributing approximately a million
22 dollars to the acquisition as well. They signed off for
23 lead agency to the county. We are still waiting for the
24 town's response, but we don't see any problem with that.
25 We will reach out to them before this is laid out on the

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2 table. If there are any issues, we will bring it back
3 to you.

4 THE CHAIRMAN: Any comments?

5 MR. KAUFMAN: Okay. This actually would be
6 directed towards you, Mr. Chairman. This is inside the
7 watershed, I believe, of the Forge River. I'm looking
8 at maps and it looks like it comes close, but I can't
9 detect any streams in there. Is this still in the
10 groundwater contributing area?

11 THE CHAIRMAN: It looks like it, yes.

12 MS. VILORIA-FISHER: Does show on the map.
13 You see the blue outline of the DEC fresh water
14 wetlands. That is the headwaters of the river
15 corridor.

16 MR. KAUFMAN: It comes close but doesn't
17 actually touch the water.

18 MS. FISCHER: It's a watershed area;
19 in other words, the surface water contributing area of
20 that river is located here and incorporates this
21 acquisition area.

22 MR. KAUFMAN: One other question. I think
23 you said something about the purple on that particular
24 map, proposed acquisition. You said the Town of
25 Brookhaven has acquired it?

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2 MS. FISCHER: Yes, they have. As part of the
3 proposed acquisition. We will be taking fifty percent
4 of the ownership of those as well. In regard to the
5 county, the town will also get fifty percent of our
6 existing county owned properties.

7 MR. KAUFMAN: It's sort of an interest
8 sharing.

9 MS. VILORIA-FISHER: An interest sharing
10 situation.

11 THE CHAIRMAN: Any other comments?

12 MR. BAGG: Because this is a Type I action, I
13 assume the resolution is going to have to be changed to
14 incorporate that the County of Suffolk is a SEQRA lead
15 agency.

16 MS. FISCHER: We will put that in. Thanks,
17 Jim.

18 MR. BAGG: On the EAF in the back, on the
19 last page, it says "involved agencies." It says that
20 the town, and it quotes, "that it's passive active;"
21 however, the proposal is for acquisition with no
22 development. Therefore, maybe "active" should be
23 stricken.

24 MS. FISCHER: What page is that, Jim? I'm
25 sorry.

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2 MR. BAGG: Page 9. You will notice it says
3 the Town of Brookhaven involvement, existing passive
4 active park.

5 MS. FISCHER: Okay, that was a typo.

6 MR. KAUFMAN: I think Page 19 too,
7 preservation of open space and creation of a public
8 recreation area.

9 MS. FISCHER: We can make those changes.

10 MS. GROWNEY: I just have a couple of quick
11 questions. The part of this area, as you go down
12 towards where most of the red area is concentrated, that
13 was a sand pit. It says "sand pit."

14 MS. FISCHER: Yes, in the center area.

15 MR. GROWNEY: How long ago was that actively
16 mined?

17 MS. FISCHER: In the ESA, I believe it was
18 around twenty years ago, it was active. I can double
19 check that that. I believe they estimated the time of
20 use as twenty plus years.

21 MS. GROWNEY: Since that activity, nothing
22 else has really be going on there?

23 MS. FISCHER: No, it's been quiet since then.

24 MR. KAUFMAN: It's still a pit, it's not been
25 filled in with C and D or anything like that?

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2 MS. FISCHER: No, it's a sandy area. It's
3 starting to infill with pitch pine vegetation, but you
4 can see on the aerials that it's primarily a sandy
5 soil.

6 MS. GROWNEY: I didn't look at the soil
7 testing. Are there any clay lenses of any kind? In
8 other words, is there any pooling of water that
9 happens?

10 MS. FISCHER: Not that we are aware of.
11 There wasn't any indication on the soil survey
12 information that indicated that. I don't think it was
13 identified anywhere. It's a pretty sandy soil area.
14 It's part of the Pine Barrens. It's a Pine Barrens
15 habitat and it's pretty sandy soil, so the infiltrating
16 is pretty quick. I'm not aware of any kind of clay
17 lenses in the area.

18 MS. GROWNEY: The new access to this
19 potential recreational, passive recreational area will
20 be along that roadway?

21 MS. FISCHER: That is the service road of
22 Sunrise Highway, also the access on the northern piece.
23 Middle Island-Moriches Road can also be accessed from
24 that point on the north side as well.

25 MS. GROWNEY: Is that planned that there will

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2 be two accesses?

3 MS. FISCHER: There hadn't been a
4 determination at this point. That will come further
5 down the line for some very small parking area for
6 access to connect into the trails. We are also
7 acquiring property to the east on the southeast corner
8 here. We picked up quite a few old filed map parcels
9 there and we might be able to connect in better from
10 that avenue as well.

11 Depending on how this all plays out in the
12 next few years, it will give us a better feel for how
13 best to provide access to the site.

14 THE CHAIRMAN: Laretta, is any of this
15 property former duck farms?

16 MS. FISCHER: No. The closest duck farm is
17 this property to the east of the river north of the
18 Sunrise Highway. That is the Shultz property. We are
19 not moving forward on that acquisition at this time.
20 This was identified on the master list to acquire but we
21 required further Phase 2 evaluation of the property, and
22 the owner refused to give us access, so we stopped
23 moving that forward, that acquisition.

24 THE CHAIRMAN: We don't have to worry about
25 contaminated soil as a consequence.

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2 MS. FISCHER: Not on that property.

3 MR. KAUFMAN: Is this inside the Pine Barrens
4 core or is this compatible growth?

5 MS. FISCHER: Compatible growth.

6 MR. SWANSON: Any other questions?

7 MS. JOHNSON: I came in particular because I
8 started the battle to save the Mastic Woods. We don't
9 call it Beechwood because it's always been known as
10 Mastic Woods to my community. I live less than a
11 hundred feet away. This is a view of my block from
12 Mastic Woods. It does tend to have, in rainy weather,
13 pooling of water. It has a mile long swale that runs
14 from a latitude of approximately thirty-five feet to
15 eighty feet and then down and then up again, so it does
16 provide the drainage for the waterway, the Forge River.

17 We have always looked at it as a public
18 recreation area, so I'm pleased to see it going
19 forward. The original fifty-four acres on the northern
20 end was deeded as part of Beechwood's zone change that
21 was transferred by the Order of Judge Costello in a pro
22 se lawsuit that I filed to save this land. So I'm very
23 pleased to see this has finally been heard and we're
24 moving forward. I can't thank you enough. This is a
25 piece very close to my heart. Thank you.

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2 THE CHAIRMAN: Do we have a motion?

3 MR. KAUFMAN: Motion, Type I, Negative

4 Declaration as amended.

5 MS. GROWNEY: Second.

6 THE CHAIRMAN: Any other discussion? All in
7 favor? Opposed? Motion carries.

8 MS. VILORIA-FISHER: I will make the changes
9 and get that back out to you.

10 THE CHAIRMAN: Recommended Type II action.
11 Any recommendations that we ought to particularly look
12 at?

13 MR. MULE: It's pretty straightforward,
14 nothing major. You will see in one of them that the
15 Foley Nursing Home was reintroduced and it was just a
16 time that the resolution was going to expire, but they
17 had to reintroduced it.

18 MR. KAUFMAN: Just as you said that,
19 something hit me. Last month when we were talking about
20 the Legacy Village project, one of the issues that came
21 up was that the land had not been partitioned,
22 ninety-five acres that Legislator Kennedy was talking
23 about, and that land did not exist as a separate lot.
24 That process was going forward, but it had not actually
25 been finished.

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2 It was recommended to us by Chris Kent, Deputy
3 County Executive, as an important point preventing us
4 from voting on this particular project. I remember when
5 we were talking about the sale of John J. Foley that we
6 were presented with an outline map, and there had been
7 no partition done with that. I have no idea why that
8 suddenly hit me. But I do remember that.

9 We did not have a partition, we just had a map
10 with dotted lines. We were approving fifteen acres.
11 There was no deed description or anything like that.
12 I'm suddenly a little bit puzzled by the difference
13 between the two. I know we did vote on this a while
14 back. I think I'm the one that made the motion that it
15 was an Unlisted Neg Dec.

16 I'm suddenly seeing the juxtaposition on this
17 extra piece of paper. Suddenly, it's bothering me, put
18 it that way.

19 MR. BAGG: If I might address that, Michael.
20 The description of action included partitioning of the
21 property. It was included in the description of the
22 property as part and parcel of the project. It didn't
23 exist, but the project included the partitioning of the
24 property.

25 MR. KAUFMAN: This is the Foley?

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2 MR. BAGG: Yes.

3 MR. KAUFMAN: In which case, my objection is
4 withdrawn.

5 THE CHAIRMAN: Do we have a motion to accept
6 staff recommendations?

7 MR. KAUFMAN: Motion to accept staff
8 recommendations.

9 MR. MACHTAY: Second.

10 THE CHAIRMAN: All in favor? Motion carries.
11 Ms. Johnson, would you care to make any other comments
12 or anyone else in the audience that would like to
13 comment?

14 MS. JOHNSON: The Shaw Nursery also happens
15 to be a parcel that I advocated for in the Forge River,
16 and we would like very much to see it moved forward. We
17 understand it had some soil issues as it had been
18 farmland. It's close to the surface waters, especially
19 since the March 8th storm when the river actually
20 diverted its path from the culvert that runs under
21 Sunrise Highway, and so there is water that stands there
22 to this day.

23 THE CHAIRMAN: Peaking my interest, since I
24 did a little research out there. You're saying that
25 there is something wrong with the culvert that goes

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2 underneath?

3 MS. JOHNSON: For whatever reason, the volume
4 of water coming down from the northern end, which is
5 significantly higher than the elevation at the southern
6 end, where the headwaters are, it had a tendency to
7 flood, sometimes in the backyard at this neighbor's
8 house, Barnes Road and Sunrise Highway Service Road
9 opposite Shaw. The March 8th storm, the river just
10 diverted itself, completely flooded his entire backyard,
11 picnic table and everything marching away, and to this
12 day we have standing water and the river has literally
13 changed its course.

14 It extended its boundary into the parcel owned
15 by this neighbor. I don't know if that's the parcel she
16 was talking about. But no one wants to live in that
17 house any more.

18 THE CHAIRMAN: Does that eventually feed into
19 East or West Pond?

20 MS. JOHNSON: It feeds into West Pond.

21 LEG. VILORIA-FISHER: Are you talking about
22 Shultz or Shaw?

23 MS. JOHNSON: Shaw is opposite, diagonally
24 across the street from this parcel. Shaw is a good
25 acquisition as well in the watershed.

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2 THE CHAIRMAN: Any other comments?

3 Recommended Unlisted Action, proposed restoration of
4 ninety-three point five acres of industrial-commercial
5 zoned property surplus, offer for sale. Town of
6 Brookhaven. This was tabled last month. Anybody here
7 to speak to the issue today?

8 MS. JOHNSON: We consider that as part of
9 the Carmans River Coalition. We consider this sale
10 separate from the Pos Dec that was issued on the Legacy
11 Village project, the segmentation of that project. We
12 want to put that on the record we believe this would be
13 segmentation, and that your charge was to review the
14 possible negative impacts or environmental impacts of
15 the entire project that was presented by the county
16 executive, and segmenting this off, as a secondary aside
17 is that the L-1 zoning category in Brookhaven doesn't
18 have anything specific to solar arrays or zero carbon
19 footprints. Whatever you put in L-1 you can put on this
20 site, and that is something that the board needs to
21 consider when it makes its determinations.

22 THE CHAIRMAN: Do we have any guidance, Mike,
23 on the issue that we raised last month concerning the
24 fact about the property boundaries?

25 MR. MULE: We reached out to Legislature

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2 Kennedy's office and received no further information on
3 this resolution.

4 THE CHAIRMAN: Where do we go from here?

5 MR. MULE: Table it.

6 THE CHAIRMAN: There no nobody here to speak
7 on it. It will stay tabled. Proposed acquisition for
8 open space preservation purposes know as Forge River
9 Watershed Addition, Shaw Property, Town of Brookhaven.

10 LEG. VILORIA-FISHER: I made the motion to
11 table last time. I spoke to Paul at Soil and Water and
12 they don't have any problems with us going forward with
13 this at this point. Jim, did you have different
14 information?

15 MR. BAGG: I have a point that the assessment
16 was received and there were certain points at the end of
17 the assessment that should be done when the county
18 acquires. It seems it might be right for them to read
19 the Neg Dec. Do you want to read those, Michael?

20 MR. MULE: Recommendations from Phase II
21 should be determined if the stained soils in the area of
22 the former irrigation pump were disposed of in an
23 appropriate facility as recommended in the prior limited
24 Phase 2 ESA prepared on the subject property.

25 Irrigation pump should be removed and all

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2 wells on the property be closed pursuant to Health
3 Department and New York State DEC standards.

4 Drums, liquids propane gas tanks and two
5 hundred seventy-five gallon former diesel fuel tank that
6 are on the property should be removed and properly
7 disposed of.

8 If any of the on-site buildings are to undergo
9 major renovations or demolition, an asbestos survey
10 should be conducted. Confirmed asbestos containing
11 material must be removed prior to demolition in
12 accordance with New York State DEC Department of Labor
13 Industrial Code 56.

14 Assorted trash, wood chips, mulch boat and
15 farm equipment should be removed from the subject
16 property and disposed of or stored at an appropriate
17 facility.

18 THE CHAIRMAN: That is proposed to be done
19 before acquisition. Do we have an agreement to do
20 that?

21 MS. VILORIA-FISHER: It's contingent.

22 THE CHAIRMAN: Anyone want to question
23 Laretta on this particular piece?

24 MR. BAGG: CEQ has said in the past when a
25 property is to be acquired and has been developed in the

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1 past, that technically the Phase 1 and Phase 2 should be
2 considered and anything that would be required to
3 remediate should be incorporated in environmental
4 review.
5

6 MS. FISCHER: If I could just add the soil
7 requirements on Number 1 in the letter. Maybe you might
8 want to reiterate those requirements as well. Soil
9 samples collected from the barn -- none were found.

10 MR. MULE: That just states that nothing
11 exceeded action levels inside the barn, which triggered
12 the Phase II.

13 THE CHAIRMAN: We have this proposal. Do we
14 have a motion?

15 MR. KAUFMAN: Motion Unlisted Neg Dec,
16 contingent upon the issues that Mr. Mule wrote out or
17 incorporated into the recommendation.

18 MS. GROWNEY: Second.

19 THE CHAIRMAN: Any further discussion? In
20 favor? Opposed? Motion carries.

21 MS. FISCHER: Larry, just to reiterate, I did
22 go back on my notes of Beechwood. There are two acres
23 of muck soils in that swale area. I am sorry, I didn't
24 point that out before. That is two acres of muck soil.

25 LEG. VILORIA-FISHER: I never realized that

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2 "muck" is a technical term; official

3 MS. FISCHER: It's actually a technical soil
4 classification. I'm sorry I didn't bring that up
5 before, but I did mention it and identify it in the long
6 form EAF. I want to correct myself on that.

7 THE CHAIRMAN: Any other business? Any CAC
8 concerns? Do we have a motion to adjourn?

9 MR. MACHTAY: I'll make a motion to adjourn.

10 MS. GROWNEY: Second.

11 THE CHAIRMAN: All in favor?

12 (Time noted: 11:00 a.m.)

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CERTIFICATION

STATE OF NEW YORK)

)

ss:

COUNTY OF SUFFOLK)

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

THAT this is a true and accurate transcription
of the Suffolk County Council on Environmental
Planning meeting held on November 17, 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 17th day of December, 2010.

Judi Gallop

JUDI GALLOP