

# COUNTY OF SUFFOLK



STEVEN BELLONE  
COUNTY EXECUTIVE

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING  
DIVISION OF PLANNING AND ENVIRONMENT  
COUNCIL ON ENVIRONMENTAL QUALITY

Lawrence Swanson  
Chairperson  
CEQ

## **SUFFOLK COUNTY COUNCIL ON ENVIRONMENTAL QUALITY MINUTES**

DATE: October 18, 2017

TIME: 9:30 am – 12:30 pm

LOCATION: Arthur Kunz Library  
H. Lee Dennison Bldg. – 2<sup>nd</sup> Floor  
Veterans Memorial Highway, Hauppauge, New York

### PRESENT:

Larry Swanson, Chair  
Michael Kaufman, Vice Chair  
Frank De Rubeis  
Michael Doall  
Hon. Kara Hahn  
Constance Kepert  
Mary Ann Spencer

### ABSENT:

Robert Carpenter Jr.  
Eva Growney  
Thomas Gulbransen

### CAC REPRESENTATIVES:

Joy Squires

### STAFF:

Andrew Freleng, Chief Planner  
John Corral, Senior Planner  
Christine DeSalvo, Principal Clerk Typist

**GUESTS:**

Al Krupski, Suffolk County Legislator, District #1  
Maria Nida, Assistant County Attorney, Suffolk County Department of Law  
Dorian Dale, Director of Sustainability, Interim Planning Director  
Diego De La Rocha, Intern, Suffolk County Department of Economic Development and Planning, Division of Planning and Environment  
Russ Mackey, Senior Civil Engineer, Suffolk County Department of Public Works  
Ryan Wolsiefer, Jr. Civil Engineer, Suffolk County Department of Public Works  
Kyle Swaringen, Principal Engineer, Suffolk County Department of Public Works  
Tom Iwanejko, Director, Suffolk County Vector Control  
Ilia Rochlin, Lab Manager, Suffolk County Vector Control  
Mary Dempsey, Biologist, Suffolk County Vector Control  
Peter Scully, Suffolk County Deputy County Executive  
Walter Dawydiak, Director, Suffolk County Department of Health Services, Division of Environmental Quality  
Richard Martin, Director, Historic Services, Suffolk County Department of Parks, Recreation and Conservation  
Nick Gibbons, Principal Environmental Analyst, Suffolk County Department of Parks, Recreation and Conservation  
Camillo Salazar, Environmental Planner, Suffolk County Economic Development and Planning  
Tom Schaefer, Consultant, D & B  
Mara Terchunian, First Coastal Corporation  
Aram Terchunian, Consultant, First Coastal Corporation  
Ben Spratford, Consultant, First Coastal Corporation  
Kevin McAllister, President, Defend H2O  
Sarah Schaefer, PEP Program Director, Peconic Estuary Program

**Minutes:**

September 20, 2017

A motion was made by Mr. De Rubeis to approve the September 20, 2017 minutes. The motion was seconded by Mr. Kaufman. Motion carried.

***Taken out of Order***

**Project Review:**

**Recommended Type I Actions:**

- A. Proposed Suffolk County Sanitary Code Article 6 Phase 1 Amendments for Replacements/Retrofits of Existing Systems, “Grandfathering” of Commercial Sites, and the Development of Standards for the Implementation of Wastewater Management Practices and Technologies to Permit the Re-Use of Wastewater.

A presentation regarding the project was given at the meeting by Peter Scully, Suffolk County Deputy County Executive and Walter Dawydiak, Director of Environmental Quality, Suffolk County Department of Health Services. The proposed action involves the Suffolk County Sanitary Code Article 6 Phase 1 amendments for replacements/retrofits of existing systems, "grandfathering" of

commercial sites and development of standards for the implementation of wastewater management practices and technologies to permit the re-use of wastewater.

The proposed Phase 1 Amendments for replacements/retrofits of existing systems would require permits for replacements and repairs of onsite sewage disposal systems which would eliminate the option to install a cesspool as a means of onsite sewage disposal upon failure of an existing onsite sewage disposal system and require, at a minimum, the installation of a septic tank and leaching structure.

The proposed Phase 1 amendments also involve amending the Article 6 regulations for “grandfather sites”. The proposed Article 6 Phase I amendments would allow the maintenance of the current grandfathered sanitary flow but would require certain grandfathered sites which apply to the Suffolk County Department of Health for sanitary approvals that exceed certain criteria (i.e. such as a 10% or more increase in gross floor area or a more than 1,000 square foot expansion) to install an improved wastewater treatment system with nitrogen removing capabilities known as an Innovative and Alternative Onsite Wastewater Treatment System (I/A OWTS).

The proposed Phase 1 Amendments also involve the development of formal standards for the commercial sites and development of standards for the implementation of wastewater management practices.

After the presentation the CEQ discussed the proposed changes and the concept of permissible segmentation under SEQRA. It was noted that there is currently an ongoing Subwatershed Management Plan with a related Generic Environmental Impact Statement that may result in a second phase (Phase 2) of changes to Article 6 of the Sanitary Code. As a result the CEQ discussed, pursuant to the SEQRA Handbook, three circumstances where segmentation may be warranted as long as the environment review will be no less protective of the environment. These circumstances which were discussed include: information on future project phase(s) is too speculative; future phase(s) may not occur; and future phase(s) are functionally independent. The CEQ noted that there is the possibility that the Subwatershed Plan will not be completed or may not result in changes to Article 6 and as a result that satisfies the first two circumstances where segmentation is permissible (future project phases are too speculative and future phases may not occur). The CEQ also discussed that the Phase I changes can be considered as functionally independent from the Subwatershed Plan because the Subwatershed Plan is likely to target specific geographic areas with additional requirements whereas these Phase I changes apply generally to all areas of Suffolk County. It was also noted that the Phase I changes deal more with an administrative action regarding the enforcement of the code and is needed to occur as soon as possible and is warranted to take place prior to the completion of the Subwatershed Plan.

It was also discussed that these changes have been carefully considered by a working group that includes a variety of interested stakeholders. In the public comment for this project Kevin McAllister, President, Defend H2O voiced his general support for the Phase I Article 6 changes.

Mr. Kaufman made a motion to recommend classification of the proposed project as a Type 1 Action with a Negative Declaration. Hon. Hahn seconded the motion. Motion carries.

**Project Review:**

**Recommended Unlisted Actions:**

A. Proposed Intersection Improvements to CR 93, Ocean Avenue at Rosevale Avenue, Town of Islip

A presentation regarding the project was given at the meeting by Russ Mackey, Sr. Civil Engineer, Suffolk County Department of Public Works. The project involves realigning the northbound lanes of CR-93, Ocean Avenue, in order to install a larger radius curve. A left turn lane from northbound CR-93 onto North Ocean Avenue will also be constructed. The project also involves the installation of new drainage features to accommodate the realignment of the road as well as the replacement in kind of existing drainage structures. This project may also include work to be performed by various utility companies, including the possible relocation of underground and/or overhead electric, underground and/or overhead telephone/communications, and underground gas, water and/or sewer infrastructure as necessary.

After a brief discussion regarding the project specifics Mr. Kaufman made a motion to recommend classification of the proposed project as an Unlisted Action with a Negative Declaration. Mr. DeRubeis seconded the motion. Motion carries.

B. Proposed Woodhull's Dam Fish and Eel Passage, Town of Riverhead

A presentation regarding the project was given at the meeting by Nick Gibbons, Principal Environmental Analyst, Suffolk County Department of Parks, Recreation, and Conservation, Kyle Swaringen, Principal Civil Engineer, Suffolk County Department of Public Works and Bob Steal, McClean Engineering. The project involves the construction of a fish and eel passage at Woodhull's Dam located on the Little River which is a tributary to the Peconic River in Riverhead, New York. The project is proposed to restore and improve the ecosystem and fisheries of the Peconic River (located downstream of Woodhull's Dam) and Cranberry Bog County Park and Wildwood Lake (located upstream of Woodhull's Dam). The proposed project will also be designed and constructed to insure that the fish and eel passage will not alter the volume of flow through the Dam or the upstream or downstream water levels.

As part of the CEQ's project discussion, correspondence from the New York State Department of State that was received in regards to this project was addressed. This correspondence noted that the New York State Department of State issued a General Concurrence finding for the Woodhull fish & eel passage project in October, 2016.

Hon. Hahn made a motion to recommend classification of the proposed project as

an Unlisted Action with a Negative Declaration. Mr. DeRubeis seconded the motion. Motion carries.

C. Proposed Indian Island Living Shoreline Project, Town of Riverhead

A presentation regarding the project was given at the meeting by Nick Gibbons, Principal Environmental Analyst, Suffolk County Department of Parks, Recreation, and Conservation, Kyle Swaringen, Principal Civil Engineer, Suffolk County Department of Public Works and Aram Terchunian, Consultant, First Coastal Corporation. The project proposes a partially submerged rock sill, marsh and wetland restoration and bluff stabilization utilizing a cantilevered PVC bulkhead covered with compatible fill and beach grass. This project is proposed to provide increased protection against flooding/erosion, improve the shoreline ecosystem and stabilize the shoreline and navigation channel. This shoreline stabilization is proposed to insure the continued viability of an existing park access road and also to prevent the loss of existing cultural resources to erosion.

The CEQ had an extended discussion regarding the project and the potential related issues. The CEQ noted their concerns related to negative impacts that result from “hardening” the shoreline. As part of the discussion it was noted that the project also requires permits and approvals from the NYSDEC and the United States Army Core of Engineers. The project sponsors noted that it is possible that these agencies will require modifications to the project.

In the public comment for this project Kevin McAllister, President, Defend H2O, voiced concern with this project specifically with the project’s proposed bulkhead and the trend of coastline hardening.

After the extended discussion Mr. Kaufman made a motion to table the project and requested to have a subcommittee of the CEQ attend a pre-application meeting with the NYSDEC to discuss the proposed project. The motion was seconded by Legislature Hahn. Ms. Spencer abstained.

*Mr. DeRubeis and Chair Mr. Swanson had to leave and as a result the Council no longer had a quorum so the remainder of the agenda as outlined below was tabled to the November 15, 2017 meeting.*

**Project Review:**

**Recommended Type II Actions:**

- A. Proposed 2018 Vector Control Annual Plan of Work

No Action Taken – Item Tabled until the November 15, 2017 meeting

**Project Review:**

**Recommendations for LADS Report:**

- A. Recommendations for Legislative Resolutions Laid on the Table October 3, 2017

No Action Taken – Item Tabled until the November 15, 2017 meeting

**Correspondence:**

The CEQ discussed the New York State Department of State's October 17, 2017 emailed correspondence for the Proposed Woodhull's Dam Fish and Eel Passage, Town of Riverhead and the proposed Indian Island Living Shoreline Project during the project discussion portion of the meeting.

**Public Portion:**

As described in the project discussion, Kevin McAllister, President, Defend H2O provided public comment on both the Suffolk County Sanitary Code Article 6 Phase 1 Amendments and the Indian Island Living Shoreline Project.

**Historic Trust Docket:**

Director's Report:

No Discussion – Item Tabled until the November 15, 2017 meeting

**Other Business:**

None

**CAC Concerns:**

None

Meeting Adjourned