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DEPARTMENT OF PLANNING

COUNCIL ON ENVIRONMENTAL QUALITY

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February 18, 2009
9:30 a.m.

Arthur Kunz Library
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, New York

B E F O R E:

R. Lawrence Swanson, Chairperson

Michael Kaufman, Vice Chairperson

Reported by,
Melissa Powell

A P P E A R A N C E S:

James Bagg, Chief Environmental Analyst

Hon. Jay H. Schneiderman

Eva Growney

Richard Machtay

Gloria R. Russo

Mary Ann Spencer

Joy Squires, CAC Reps

Richard Martin, Historic Society

N O T P R E S E N T

Thomas Gulbransen, CEQ

Daniel Pichney, CEQ

A L S O P R E S E N T:

Lauretta Fischer, Warner Property

Mark Fisher, Lieutenant, Suffolk County Police Department

Rudolf Gedeon, GRC Consulting

Andrew Mikelinich, Technician

Eric Bergey, Department of Environment Energy

MR. CHAIRMAN: We will call the meeting to order. Are there any comments on the minutes?

MR. MACHTAY: I gave my comments to Christine and with those changes, I will move them.

MR. CHAIRMAN: Very good. Is there a second?

MR. RUSSO: I second.

MR. CHAIRPERSON: Discussion?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: All in favor?

THE COUNCIL: Aye.

MR. CHAIRMAN: Opposed?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Motion carries.

Jim, is there ~~correspondents~~ Correspondence that you want to make us aware of?

MR. BAGG: No.

MR. CHAIRMAN: Nobody writes to us anymore.

All right and Historic Trust, do you want to wait for Rich?

MS. SPENCER: Yes, please.

MR. CHAIRMAN: You might end up at the bottom of the menu again.

MS. SPENCER: I actually don't think there is anything to report. He can amend that.

MR. CHAIRMAN: Jim gets upset with us when we go out of order. We don't want to upset you, Jim.

MS. SPENCER: On the Historic Trust Docket Directed Report, I believe there are no updates.

MR. BAGG: If I might clarify that. We type up the resolutions in order. If something doesn't take a resolution by the Council, then technically it doesn't upset the order. The Historic Trust is information that is usually --

MS. SPENCER: Usually.

MR. CHAIRMAN: Okay --

MR. MACHTAY: Does somebody have an extra agenda because I don't seem to have one?

MR. CHAIRMAN: Recommended Type Two Actions Proposed Storm Drain Pollution on

various county roads -- CP 8239 Phase III, Towns of Babylon, Islip, and East Hampton. This is a big package.

MR. BAGG: You missed a page on ratifications.

MR. CHAIRMAN: I did? Sorry about that.

Ratification -- we will go back to Ratification of Recommendations for Legislative Resolutions. Anything to note?

MR. BAGG: It is fairly straight forward. Everything is Type Two Actions. SEQRA has been previously completed on the projects.

MR. CHAIRMAN: I notice Resolution 1031, one of our members is seeking reappointment.

MR. KAUFMAN: I think that should be a positive declaration. I will defer to Jim on that.

MR. CHAIRPERSON: Does everybody here know what their reappointment dates are so they can work on them?

THE COUNCIL: No.

MR. CHAIRMAN: I would inquire from Jim because while you stay a member until you get kicked off, it is important to keep the process rolling. I think that is the way it is supposed to be.

MR. MACHTAY: Five year appointment?

MR. CHAIRMAN: It depends on whether you replace somebody -- that kind of thing. If you're a new appointment because somebody had retired and there was three years left on the term, your appointment would have been for three years. So, Jim, maybe next month --

MR. BAGG: We will e-mail the CEQ list, and next to each individuals name is your reappointment date. Michael is the only individual who is up for reappointment this year. I think next year there is two or three reappointments.

MR. KAUFMAN: Just to let everyone know, it is generally about a three month process to get your legislator to sponsor you or whoever its been. You have to, generally, go the legislature to do all of

this and there is committee meetings. For example, I have one on the 23rd where I have to show up before a EPA which is led by Legislator Schneiderman. You have to get your resume typed up and submitted again. They generally have it, but they like to have an updated one. Because of the procedures over there, they have to lay it on the table -- there could be a month gap or something like that. They don't always get to it. So when it happens, I would, generally, try to look at it about three months before.

MR. CHAIRMAN: Anything else?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Jim, you want to call your attention?

MR. BAGG: No.

MR. CHAIRMAN: The other one that I inadvertently skipped was the Proposed Purchase of Replacement Equipment at established --

MR. BAGG: There is a motion on the --

MR. CHAIRMAN: Motion to approve

Legislative Recommendations that were layed on the table.

MS. SPENCER: So moved.

MR. MACHTAY: Second.

MR. CHAIRMAN: All in favor?

THE COUNCIL: Aye.

MR. CHAIRMAN: Opposed?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Motion carries.

(WHEREUPON, the Board voted.)

MR. CHAIRMAN: Proposed Purchase of Replacement Equipment at established tower sites. This is Capital Project 3017. It is a GPS system.

MR. MACHTAY: Type II Action?

MR. CHAIRMAN: It is a Recommended Type II Action.

MR. MACHTAY: I will make a motion.

MR. BAGG: We have a police officer here.

MR. CHAIRMAN: Since he made the trouble to come, we may as well give him a few minutes. Would you care to comment on the project?

MR. FISHER: Well, the item itself is a replacement item --

MR. CHAIRMAN: Sir, if you could stand up and give us your name -- boy, this fun -- telling a policeman what to do.

(WHEREUPON, there was laughter.)

MR. CHAIRMAN: Welcome to CEQ.

MR. FISHER: It is my pleasure to be here.

MR. CHAIRMAN: So, if you a could just tell us a little bit about the proposed program or replaced equipment. As I understand it, it is about a decade or more old?

MR. FISHER: Yes, that is correct. First I would like to give my name. My name is Mark Fisher. I am Lieutenant for the Suffolk County Police Department, and I am working in the Bureau Records -- Communication and Records Bureau.

Yes, the equipment is approximately ten years old. It is electronic equipment. If we need any specifics on it, I have -- I refer to him as the brains of the operation,

Andy, one of our technicians. From a layman point of view, it is a ten year old electronic equipment. If we can think of our computer systems in our house, they don't last that long. This is 24/7 stuff. It is communications and it directly effects communications.

We have problems now with getting parts for it, if it does break. Things are made modular. It isn't like the old days when some of us might remember when you went to the pharmacy and checked the tubes on the television set. Right now, everything is pretty much replacement components, and it is very expensive.

Our concern -- our major concern is if this apparatus fails and depending on how it fails, it could be catastrophic to the County. It could take down an entire communication system. At best, it would take down a partial system and having partial communications could be devastating depending on what was happening at the particular time. So we don't want to chance

it. As you said, it is over ten years old and it is -- it is at the end of its life.

MR. CHAIRMAN: You want to say anything about the technical issues?

MR. MACHTAY: No.

MR. FISHER: I will say one thing. It is a replacement item so, I believe, there is no affect or impact on the environment. It is a -- I guess, taking out the unit and sliding the unit in to be simplified.

MR. CHAIRMAN: So, is the area of coverage or the detail of coverage going to be improved by the new equipment?

MR. MIKELINICH: That does not affect that. Like he said, it is direct replacement for equipment that is likely aging, and it will perform the same function as the replacement.

MR. CHAIRMAN: Okay, very good.

THE REPORTER: State your name, please.

MR. MIKELINICH: My name is Andrew Mikelinich, M-I-K-E-L-I-N-I-C-H.

MR. CHAIRMAN: Would you like to make a motion?

MR. MACHTAY: Type II Action.

MS. KAUFMAN: Second.

MR. CHAIRMAN: We have a motion and a second. It is a Type II Action.

Any further discussions?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: All in favor?

THE COUNCIL: Aye.

MR. CHAIRMAN: Opposed?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Motion carries.

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: Thank you for taking the time to come over and see us.

MR. FISHER: Thank you, sir, my pleasure.

MR. CHAIRMAN: Now, the one that I am so anxious to get to is the Proposed Storm Drain Pollution on various county roads -- CP 8239, Phase III, Towns of Babylon, Islip, and East Hampton.

Anybody here to speak to that?

MR. BERGEY: I am, sir.

MR. CHAIRMAN: Please, identify

yourself for the Stenographer.

MR. BERGEY: My name is Eric Bergey. I am with the Department of Environment Energy and the Vision of Water Quality Improvement.

First, I would like to thank the Council for reviewing this tremendous package that we submitted a couple of weeks ago. I realize there is more paperwork than is normally submitted for one of our typical projects. This is not a typical project. It is 16 locations that are all currently directed discharges of untreated storm water into surface water body.

Our proposal is to redirect or actually make a minor modification in the existing drainage system, install a new treatment system, and I have several examples of typical treatment systems that we have been using recently which I am going to pass around. You can take a look at them.

We're not decided on which models are exactly going in which spot yet. That requires further design work. We're still in the initial stages. We selected

locations, obviously, and once we move forward through the DEC permitting process, then we will get to the point where we are selecting the actual models that will be used.

MR. CHAIRMAN: So will you be coming back to -- when you're actually doing the projects?

MR. BERGEY: I don't -- I am not sure. Maybe you can help me out with that. Do we need to come back or once there is that Type II --

MR. BAGG: I mean, we reviewed CR50. Basically, this is almost like the ~~insulation~~ installation of equipment at the end of the discharge area. Council said on CR50 that they thought it was a Type II Action because it wouldn't physically alter more than 4,000 square feet and involve the purchase of equipment at those particular sites. It does conform to the Council policy which, for many years, even before the storm water regulations and Council wanted to eliminate direct discharge to surface waters wherever

possible and the DPW has been trying to adhere to that and pursue that. In this particular instance, with respect to so many locations, I don't know if the entire project would be considered a Type II Action or on an individual basis probably Type II, but taken collectively might be considered an Unlisted Action with a Negative Declaration, but the equipment, if I understand, has to be approved by DEC and it has to be in conformance with the storm water regulation.

MR. BERGEY: Correct and the models that are being passed around are all currently on the DEC -- in the DEC Storm Water Manual as acceptable units, and that is something that we will be able to get a permit for.

MR. BAGG: And, also, it might be pointed out that before anything can be installed, the DPW has to get DEC permits for wetlands, as well as, the storm water discharge permits in conformance with the State.

MR. BERGEY: Our next step in the process here is to actually meet with DEC because it is such a large project, and to go over all the locations with them and show them photos of all the locations. If not, meet them on-site, if they decide ~~that~~ what is the best course of action and they will hopefully give us some guidance with the best way to move forward with the permit process and try to expedite it.

MR. MACHTAY: DEC hasn't issued any permits for this yet?

MR. BERGEY: Not this particular project, but they have permitted very similar projects.

MR. MACHTAY: I am concerned about this project.

MR. BERGEY: This project, no.

MR. KAUFMAN: A question for Jim. I agree given the way this is bubbled together takes it out of the general Type II. I would feel safer doing an Unlisted Negative Declaration on this, if that is what the Council agrees to. I don't see any

procedural difference. I think we have the information before us that we need. We have enough pictures, diagrams, and a good level of engineering understanding. So I would not feel uncomfortable doing it as an Unlisted. Is there any procedural impact if we did do it as Unlisted?

MR. BAGG: No. I mean, review the whole program and the installation of all the locations in terms of the environmental impact. Another thing that has to be considered is one of the requirements here that are part and parcel to the project is that, DPW has to get DEC permits. That is part of the process for the project.

MR. KAUFMAN: So we'll get a full review. I am not worried about that.

MR. BAGG: That's a given.

MR. MACHTAY: It appears that we have had projects bundled together. Jim, you told us that the Legislature wants separate resolutions on each project. Is that the case here?

MR. BAGG: No, I mean, in this

particular instance, this is one Capitol Program item; am I correct?

MR. BERGEY: Right.

MR. BAGG: So in essence, if they have separate Capitol Program items, they would like separate resolutions because the Bond Council reviews everything from a SEQRA point of view to make sure that SEQRA has been complied with, otherwise, you won't release any money which is probably why the County pays due diligence to making sure SEQRA is complied with but in this particular instance, because it is one Capitol Project, you could do the Negative Declaration for everything that has been presented to you.

MR. KAUFMAN: Also, Rich, just to let you know, some of the -- if my understanding is correct -- these projects were supposed to have been done last year in terms of doing the environmental analysis, et cetera and because it was the end of the year, some cracks opened up and these particular projects fell through. We're now getting it

in a recast form as one cap project. So the County Legislature, from what I understand, wants to see this as a bundle so that is why it is in a single cap number, et cetera.

MR. CHAIRMAN: One of my concerns is that, I think, I heard people from Suffolk County say that the existing vortex systems are not working up to expectations and yet this is what you're proposing to put in.

MR. BERGEY: These are individuals from DPW or from the general public?

MR. CHAIRMAN: No, from professional people in the County.

MR. BERGEY: Oh, okay.

MR. CHAIRMAN: The sponge system --

MR. BAGG: The sponge --

MR. BERGEY: As long as those are maintained properly, they work beautifully.

MR. BAGG: I don't think it is vortex which is more or less a similar process. The County and the Suffolk County Water Authority had been installing the sponge filters in parking areas and everything else, and they accumulate a lot and the

sponge gets clogged up with sediment and dirt and some pollutants, but most of it is probably sediment and dirt and that they're finding that they do not work as well and they require a large amount of maintenance.

The vortex system is not a sponge system and DPW has gone out and purchased equipment. They open up the system and then they take all sediment out of the chamber and everything else and clean it and then, you know, close it back up. But it is not the sponge system where they have to pull out an actual filtering device, and change it over and then dispose of that contaminated sponge.

MR. BERGEY: Actually, one of the first initial phases of this capitol program was installing a drain below the grate filters and we found that -- essentially what the Water Authority found is that they do not work up to expectations just because the main demand on them is so high, that flow -- once you start installing large numbers to these, it becomes a main headache. Where as

this, this needs to be maintained. The maintenance intervals varies on it but six months to a year and-a-half depending on flow and the debris load and sediment load that these -- but we're also tracking that information.

We have GIS map and database set up to track the current installations, and then once these are installed, they will be added to that database -- you know, where we can kind of see, "Ok, it needed to me maintained after six months after eight months and there was this much debris in it." You know, that kind of information.

MR. CHAIRMAN: And what is going to happen with your maintenance program and the budget situation?

MR. BERGEY: The maintenance program is pretty much budgeted independently. Like Mr. Bagg referenced, we all ready purchased the equipment. As long as the equipment remains functional, we will be fine as far as maintenance.

MR. CHAIRMAN: What about the personnel

that goes around cleaning these systems out?

MR. BERGEY: So, meaning, God for bid there is no layoffs -- assuming the staff remains intact, we should be okay. It only takes, I believe, two individuals to run the machine so --

MR. CHAIRMAN: That is all you have for the entire County?

MR. BERGEY: Oh, no, for each machine there is three machines. One for each maintenance zone.

MR. CHAIRMAN: Do you see that as an issue, Jim?

MR. BAGG: No, I -- put it this way, if they put these systems in at the end, they're going to add capabilities which will improve the situation that actually, if we get to the point where we have budgetary problems and they have to lay people off, I think there is a big problem all the way around and it is just not for the maintenance of these systems. It is going to be the maintenance for the road and everything around it.

MR. BERGEY: Right, the very worst that could happen with these is if they start getting too full -- up to their storage capacity, they go into bypass mode. So they will, basically, be bypassing water -- it wont cause a flooding situation.

MR. KAUFMAN: Larry, also, given the fact that these are essentially point source discharges -- each of the sites that we're looking at and putting in something over there, even if it has a reduced maintenance cycle. If you have seen the pictures that we were given, I mean, these are just straight out point discharge sources. We have to do something.

MR. BERGEY: And if better technology comes along down the road, we can always go back and retrofit these somehow -- if we have to try and improve them even further.

MR. KAUFMAN: First off, I would like to compliment you on whoever put this packet together. These pictures really, really, really, help. You can see what is going on. The presentations normally are very, very

good. I don't have a problem with them. This one was just very, very -- much better.

MR. BERGEY: Thank you, sir.

MR. KAUFMAN: Question on it. Essential you're going to be putting these vortex systems at the end of an interceptor system plus as individual pre-standing structures at the point source of discharge.

MR. BERGEY: Right.

MR. KAUFMAN: That is essentially the plan as I understand it.

MR. BERGEY: Correct.

MR. KAUFMAN: How much of the pollutants do you think that you will be able to, basically, catch assuming these systems are working on a percentage basis? Do you think 50 percent, 70 percent?

MR. BERGEY: It varies based on the flow rate and what pollutant you're targeting. Really these systems, honestly, are not great at targeting dissolved pollutants. So pollutants in the water column itself, but anything that is absorbed to the sediment particles, it is very good

at settling that out. So, given a typical flow rate which is about 1.3 inch of rain over the water shed area -- these can handle around 80 percent of the total suspended solids, and pretty much all the flow will stay the same and it will capture that.

MR. KAUFMAN: I also noticed that there was some replacements of some of the catch basins in there so that may be able to handle some of the pollutants assuming they settle out?

MR. BERGEY: Yes, if we put a sump on the bottom of the catch basins, it will act as a low retreatment so the flow won't be as high to the treatment system.

MR. MACHTAY: Just one comment, yes, this was a impressive package you put together but not everything was labeled. Attachment 7, it was put in there without a label.

MR. BERGEY: Yes, I realized that after the fact, yes.

MR. MACHTAY: I was calling up and accusing people of all sorts of things, but

it turned out that it was really in there.

MR. BERGEY: I will take the blame for that. I apologize.

MR. CHAIRMAN: Any there any other questions?

(WHEREUPON, there was no response.)

I have one trivial technical question. Looking at one of the drawings, there was a notation of fifteen, and then next to it there was like the foot symbol -- you know, 1 slash. Except there were three. Is that now a symbol -- an excepted symbol for cubic feet?

MR. BERGEY: Not to my knowledge. It was probably a typo.

MR. CHAIRMAN: I was just wondering if I had missed something.

MR. KAUFMAN: You are seeing things, Mr. Chairman.

MR. MACHTAY: There is a typo on the first page on two of these letters -- her title.

MR. BERGEY: Maybe you should come review some plans for us.

MR. CHAIRMAN: This has been dropped on us, Jim.

MR. BAGG: If you could explain that. This is actually, Rich, in reviewing it Attachment Number 7, was a letter to the National Heritage Program asking if there are any rare endangered species on the site, and I kind of thought that normally applicants send letters to them and this is their response. They said they did not find any rare endangered species, so this really completes Attachment Number 7, which I was amazed.

MR. MACHTAY: I must say, you know, as someone who has worked in the environmental field for 30 years not finding anything rare or unusual in an aquatic environment is --

MR. KAUFMAN: Rare and unusual?

MR. MACHTAY: (Continuing) -- rare and unusual. I would suspect that probably something is hidden there someplace, but I don't think --

MR. KAUFMAN: These areas have been sub-butchered.

MR. BERGEY: There are a few locations where we come close -- we're very close to areas that they have identified as sensitive habitats, but as long as we stay inside our right-of-way, we should be fine.

MR. BAGG: An interesting point to point -- to make is that when you talk about rare and endangered species, most of the species are rare and endangered because they only occupy a niche in the successional evolution of a site, and very often they become out competed by other species that are moving in and in the next stages of succession.

MR. MACHTAY: The other thing is rare and endangered here is not rare and endangered someplace else. If you go down south, salamanders are -- it is live bait and here, it is a subject to stop any project that comes along.

MR. CHAIRMAN: Okay, so essentially, these all say that there are no rare and endangered species at these various locations; is that correct?

MR. BERGEY: That is correct.

MR. CHAIRMAN: All right. Couldn't the DEC have given us this before?

MR. BERGEY: I think we actually received that the day after we submitted the EAF. The timing was --

MR. CHAIRMAN: All right, do we have a motion?

MR. KAUFMAN: I will make a motion that this is an Unlisted Negative Declaration.

MR. MACHTAY: Second.

MR. CHAIRMAN: We have a motion and a second. Any further discussion?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: All in favor?

THE COUNCIL: Aye.

MR. CHAIRMAN: All opposed?

(WHEREUPON there was no response.)

MR. CHAIRMAN: Motion carries. Thank you very much.

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: Has everybody sorted through their stuff and got their next project? These are Recommended Unlisted

Actions, Proposed Acquisition of Open Space Preservation known as the Clark's Beach -- Village of Greenport Property in the Town of Southold.

Lauretta?

MS. FISCHER: Good morning. I am Lauretta Fischer, Principal Environmental Analyst, Department of Planning.

Before you today is the Clark Beach Acquisition. The County is looking to acquire 6.12 acres of a 15.3 acre parcel owned by the Village of Greenport. We're taking the eastern most triangular portion of the property which is adjacent to inlet Pond County Park.

The property, in whole, actually is owned by the Village of Greenport. Also contains a sewage outflow pipe of which we are not acquiring. Also, the other western portion of it, is being considered by the Town of Southold for acquisition.

At this point in time they have not come to an agreement as far as acquisition between the Town and the Village. So this

is what is set up as a separate acquisition. One part being the County acquisition adjacent to the County park to the east, and a separate acquisition of the western portion of it with the Town of Southold.

We are, again, acquiring 6.12 acres. There are trails connecting our property to the east with this property. Actually, you can see it on the aerial near the northern portion of the property. There are some dirt roads that preexist there, and there is a trail that leads into the County property, so access through the property will be from our existing holding to the east.

The easement for the sewage treatment pipe actually follows a linear line just immediately to the west of the County proposed acquisition. It follows from North Road all the way to the sound, and that will stay in Village ownership without any kind of acquisition as part of that area.

There is a little cut out on the map, and that is part of the operation of the pipe, and so that will not be part of the

acquisition itself. There is a structure on it for maintenance of the pipe and so that was cut out and will not be acquired as part of our acquisition. It is under the new Drinking Water Protection Program for open space preservation.

MR. KAUFMAN: Lauretta, question? The outflow pipe, how far out does it go? I hope it doesn't just end at the beach.

MS. FISCHER: I don't know the specifics of it. My understanding is it is -- there is length out there as far as my understanding of it is. I don't know how far out it is.

MR. KAUFMAN: Even though it is treated water, it is not going to necessarily impact the parcel itself that the County is proposing purchasing?

MS. FISCHER: No, that has been there for many years -- that pipe. So I don't think it has adversely effected the local habitat in that area, to my knowledge.

MR. KAUFMAN: One other question on it just because I am trying -- worrying myself

with the map -- the lines don't make any sense to me. Immediately to the east of the parcel, there is land bordered by green lines which appears to be Suffolk County lines, and then there is a large pond or lake or whatever seems to be part of that parcel; is that County owned right now?

MS. FISCHER: Yes, and there is a small piece of land that is owned by the Town of Southold in purple also there. (Indicating) but that whole parcel is County owned, and that Inlet Pond County park.

MR. RUSSO: One other question, Lauretta? Just out of curiosity -- general information -- is it unusual for the County to be purchasing land open space from another municipality?

MS. FISCHER: Yes, it is.

MR. RUSSO: I thought it was kind of odd, and I was just wondering what the reasoning was behind it?

MS. FISCHER: Well, according to the Village of Greenport their interest is financial. They want to exercise this

property for balancing their budget. They had budgetary problems. This property itself is actually outside the Incorporated Village boundaries but, obviously, was bought many, many years ago for the sewage pipe, and has been informally used over the years for scuba diving activities and alike. Right now, there is chain linked fence at the entrance so access has been limited over the last few years, but this was proposed by the Village.

There's pros and cons with this. It is adjacent to our county holdings which is a plus. We don't like to acquire property necessarily from another municipality in general because it opens up that issue of "Well, anyone -- any municipality can come to the County and say, "Well, I cannot afford it anymore." What do we do? So it opens up those types of issues. But, in general, I feel we were supportive of it because of our interest adjacent to it. Their feeling that has been expressed to the County is that they would be selling this

privately if the County and or Village -- I mean, and or Town of Southold was not going to acquire this.

MR. RUSSO: But the Town of Southold has expressed interest in the solid red areas?

MS. FISCHER: They have made offers. I don't think they have been accepted. I don't know anymore then that at this point. Obviously, that showed an interest but that negotiation is between the Town and the Village.

MR. MACHTAY: It seems that this parcel of land is landlocked for all intentional purposes especially --

MS. FISCHER: It will be --

MR. MACHTAY: (Continuing) -- especially with the pipe coming down -- I guess the west side?

MS. FISCHER: Correct.

MR. MACHTAY: What would they sell it for? For private --

MS. FISCHER: The property itself includes the solid red area and the outlined

red area. The property is being subdivided.

MR. MACHTAY: But the County is not buying the solid red area?

MS. FISCHER: No, the Town -- we're in negotiation with the Town and then --

MR. MACHTAY: So just excise the triangular parcel it sort of --

MR. BAGG: We own the green area, Rich. This all County Park next to it?

MR. MACHTAY: Yes, but if a private party came and bought the triangular parcel, it is landlocked. They cannot do anything with it.

MR. BAGG: No, we're only buying a portion of the site. The whole site is adjacent to the road up here. (Indicating.)

MR. MACHTAY: I understand that, but if that is public property -- if the solid portion is public property, and then you have the County property on the other side, the triangular portion is landlocked; a private party cannot get to it.

MR. KAUFMAN: Yes, but you're talking about in terms of how the compensation is

set up. I understand the zoning aspect, but if you're looking at it in terms of subdivision, et cetera, the triangular portion that the County is buying is essentially being added over here. So, yes, maybe we can get a deal. (Indicating.)

MR. MACHTAY: I understand that, but if they wanted to sell that parcel of land to a private party, the private party has hardly anything they could do with it.

MR. KAUFMAN: And it would be a much lower purchase price. Unfortunately, there is municipal that is the issue. I think we should leave that to the greater God for the appraisal department.

MR. MACHTAY: Well, it is up to the Legislature to decide what they want to do.

MS. FISCHER: Right.

MR. CHAIRMAN: Any other comments?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Anyone to make a motion?

MR. KAUFMAN: Motion Unlisted Negative Declaration.

MS. GROWNEY: Second.

MR. CHAIRMAN: We have a second.

Any further discussions?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: All in favor?

THE COUNCIL: Aye.

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: Are we being held hostage price wise by threats to the Village to sell it privately?

MS. FISCHER: Um --

MR. KAUFMAN: Don't answer that, I Lauretta, take the fifth.

MS. FISCHER: I am going to defer. I can't speak officially to that.

MR. CHAIRMAN: All right, moving onto the next piece that is the Proposed Acquisition For Open Space Preservation. This time it is the Wickham Creek, Dawson and Hollow Property in the Town of Southold.

MS. FISCHER: This is a property of primary titled wetland along Wickham Creek in the Town of Southold. It is a 3.2 acre lot in an area that we hold other properties to the west on Wickham Farm. We own the

farm land development right to those properties outlined in green. (Indicating) so there is various interest going on here. It is a very unique area with regards to extensive farming activities going on here, and then we have a creek that has environmental conditions including extensive title wetlands in there.

You can look at the map with regard to the diagonal black lines. Those are other parcels, in addition, to this parcel that we're looking to acquire to protect this watershed of Wickham creek. This would be our first acquisition in the area. We're buying this under the new drinking water for freshwater and title wetland protection for past recreation use.

MR. CHAIRPERSON: We maintain Wickham Creek by dredging -- the County, I mean.

MS. FISCHER: The County? I don't know for sure.

MR. KAUFMAN: There is a dredge scar there. (Indicating.)

MS. FISCHER: There is a dredge scar

there. There are other residential homes interior, and there is a marina that is situated south of there, so I don't know if it is either the County dredging operation or private, but it is dredged.

MR. CHAIRMAN: Has this property every been used for dredge disposal?

MS. FISCHER: This site?

MR. CHAIRMAN: Yes.

MS FISCHER: Not to my knowledge. It hasn't shown with dredge spoil on the title wetland map. It might be that --

MR. MACHTAY: I am curious. Is this residentially zoned?

MS. FISCHER: I believe so, yes.

MR. MACHTAY: Could they build houses on this?

MS. FISCHER: There is some up land portion of this. I would have to go back and look at the -- let me see --

MR. MACHTAY: Because I notice that we're not taking anything offered for the purpose of workforce housing, and I guess it must be under developed or developable in

some fashion that it doesn't yield.

MS. FISHER: Right, exactly. I believe it would be very difficult to develop it. I feel under existing conditions with existing zoning, it would not be developable but variances, of course, can always be applied and properties like these, ultimately, can be developed if the owner is so inclined.

MR. KAUFMAN: Question? I know we have be given Master Lists One and Two. I have never seen three and four; are those recent?

MS. FISCHER: No, three was immediately after two and included just a few lots in including the North Fork Preserve, and the Boys and Girls Harbor out in East Hampton. Number 4, was primarily presented by Legislator Romaine, and for the North Fork property, we worked with Legislator Romaine to include other partials to improve the protection of certain habitats that were initially identified by him, so it was a working cooperative working effort.

MR. KAUFMAN: One other thing is, if you look at the points of land above the

Cutchogue Harbor, it looks like that may be a spoil disposal area. It is on the Master List. It is not part of the purchase or anything like that, but you can see a dredge scar in there and, again, it looks as there is a swimming to the north of there. I don't they're putting spoil over there. It looks like it is to the south -- looks up land and looks like it is filled marshes. It is interesting, if nothing else.

MR. CHAIRMAN: Do we have a motion?

MR. KAUFMAN: Unlisted negative declaration.

MR. CHAIRMAN: Second.

MR. RUSSO: Second.

MR. CHAIRMAN: Any further discussions?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: All in favor?

THE COUNCIL: Aye.

MR. CHAIRMAN: All opposed?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Motions carries.

MS. FISCHER: Thank you.

MR. CHAIRMAN: Purposed Storm water

Remediation to County Road 80, Montauk Highway at Oceanview.

MR. DAWSON: Good morning. My name is Jeff Dawson. I am a senior Civil Engineer With the Department of Public Works of Suffolk County, and I am here to introduce our consultant, GRC Gedeon Consulting Engineering.

We have been progressing a project on Montauk Highway just east of Shinnecock Canal for, approximately, the last ten years and we're finally in the home stretch, and are now ready to sprint towards the finish line.

So where we're at right now is the design is, approximately, 75 percent complete, and we're before you guys today to get the SEQRA approval after which we intend on going to DEC for their approval. DEC did provide comment on a smaller scale project in the same area, however, we found an opportunity to obtain additional funding so we decided to increase the scope and effectiveness of the project which is

basically geared towards improving the water quality of the Shinnecock Bay by installing a drainage system and some storm water treatment structure. So, without further ado, I would like introduce Rudy Gedeon of Gedeon Engineer Consulting.

MR. GEDEON: Good morning. My name is Rudy Gedeon from Gedeon GRC Consulting.

Again, thank you for allowing me to make the presentation today. The project is actually along Montauk Highway from Maidstone Lane to West Hillover Street. It is along County Road 80, which is a full lane. You have one lane in each direction and you have lined shoulders on both sides.

Now, there is some significant drainage problems along that segment of County Road 80. Basically, there is no inlet basin catching water, so we have recurring flooding problems along the segment. In addition to this, we basically have no water quality system before we discharge into the Shinnecock Bay. There are two outfalls, basically, two systems. One to the west

picks up water basically to the east of Oceanview and discharges water through a 50 inch pipe into the bay. There is a system to the west actually that has another outfall. They're twin pipes -- two 12 inch pipes that discharge water into the bay.

When you look at the photographs, this is actually the west outfall and the bulkhead -- both outfalls actually go through a private property to drainage easement. Now, we're looking at the west outfall and we're looking at the existing bulkhead. The photograph is actually showing the pipe that is, I would say, 90 percent buried and it happens -- most of them -- any time that Suffolk County will go out there and drain it, basically, it is in high tide which brings -- blocks the outfall to make -- basically, rendering the existing system nonfunctional.

On the east side, we have a twin pipe system. Again, they are always 80 to 90 percent buried. So the objective of the project, basically, is two-fold. One is to

mitigate the flooding, and the second one is also to provide water quality before we discharge into the bay.

So we came up with a system -- a closed drainage system where we provide a number of basins -- leeching basins throughout the project limits on each side of the shoulder and then create a conveyance system where we discharge into the bay at the same location, but using new pipes. One thing that we are proposing is to raise the input of the outlet so that in high tide, we don't flood the system.

Before we discharge into the bay, we are proposing to install the vortex system similar to what the other gentleman mentioned before. Suffolk County has been using this system from a maintenance standpoint and from a performance standpoint, and Suffolk County -- DPW is actually happy with this system.

One thing, I think, was a discussion in terms of clogging. The vortex system has four chambers and, I think, one of the

beauty of the vortex system is that the first chamber which is, basically, the great chamber -- the soul chamber allows sediments to settle and the third chamber which is the flow control chamber rejuvenates the flow to allow the suspended sediment not to reflood again. I think that is the beauty of the vortex system. It has been used -- they go up to 89 percent in terms of performance, in terms of production of sediment.

There are some other issues along the project, in addition, to drainage. Some pavement items that we are actually proposing resurfacing the waterway and repairing some of the existing concrete pavement at localized areas. As far as impact, there is no widening. We are not removing existing trees. We're providing water quality and at the same time, we are not increasing the watershed. In a nut shell, that is what we're proposing.

MR. KAUFMAN: Question for you, sir? I was looking at the water table in the area and I was also looking at the project design

in terms of where these things would go. The first thing is it looks like the vortex is sometimes at the bottom of them -- are sitting below the water table, and I know the water table probably moves up and down in that area under the influence of the high tide. Are we going to have any backing up occurring because of that?

MR. GEDEON: One thing that we actually -- we have different numbers in terms of the high water tide level, and that is one thing we're looking at. When we raise it, we're looking to provide tide flood gates that allows water to come out and not go back and that is something that we're looking at and discussing with Suffolk County right now. But the idea is not to allow backing up into the system and preventing high pressure -- preventing the water from discharging.

MR. KAUFMAN: Essentially, you would be dealing with a hyperstatic pressure in that situation?

MR. GEDEON: Yes.

MR. KAUFMANN: In the areas with the

vortex where you're not going to be using tide gates, are any of the vortex systems, at the bottom of them, going to be sitting inside the water table?

MR. GEDEON: Yes, the one we are using, basically, we have high -- the one thing with this system is that when you look at County Road 80, it is basically at the bottom of a hill. So we have a very high -- a very big watershed area. Now, we're using the biggest vortex system which is 60,000 -- I think it is about 13 by 9, and it is about eight foot deep. So we're going into the water table, but since it is an enclosed chamber, there will be some de-watering doing construction but it will sit into --

MR. KAUFMANN: The final question I have is, it looks as if you were putting -- reconstructing on both sides of the road, and I was looking at the topography of the area. Would it make -- I am curious why you have it on both sides? If I were designing the project, I would have had most everything on the north side of the road to

try and stay a little bit away from the -- from the saltwater intrusion. You're only talking about 30 feet or something like that.

MR. GEDEON: Right, a couple of items. We looked at similar locations with Suffolk County Public Works. At one time we wanted to use twin pipes but, again, in terms of costing and terms of construction of the shoulder, it is an expensive venture.

The second thing is that we have a high pressure water gap on the north side of the shoulder which makes it difficult. They made a smaller water -- gas main on the south shore. One of biggest items for us is that it is a crowded -- it is a crowed roadway. What happens is that when water comes at sheet flow, it goes into the properties on the south side because we can't catch it. So what we're proposing to do is by having catch basins on the south shore and running the pipe, is to come up with a type of shoulder to allow -- to direct the flow into the catch basin because

if not, it goes straight into the property down there.

MR. KAUFMANN: Basically, you're saying you have a very, very crowded area in there; not too much to work with?

MR. GEDEON: Yes.

MR. CHAIRMAN: Are you going to rebuild the bulkhead?

MR. GEDEON: Well, the bulkhead -- there will be some work done. For instance, once we remove this pipe, we're debating whether we are going to in-fill it or remove it and backfill it. Definitely there is going to be some construction done here, but as far as rebuilding the entire bulkhead, no. We would basically provide a space to allow the pipe to come out and seal it. But there won't be a full reconstruction of the bulkhead. It will be partial as required.

MR. CHAIRMAN: The bulkhead is in private ownership?

MR. GEDEON: It is, yes. Actually both discharges, basically, are the outfalls into private property and then you have easement

-- Suffolk County and DPW have easement with the owners.

MR. CHAIRMAN: So you will replace the type of material in time?

MR. GEDEON: In time, yes.

MR. CHAIRMAN: Any questions?

MS. SPENCER: Just an observation. There is an article in this mornings Newsday that all of this may be moot in the near future.

MR. KAUFMAN: Why?

MS. SPENCER: We're going to flood out.

MR. KAUFMANN: We're all going to flood out. Well, for the next thirty years, I think we should try and -- well, if they're all wrong, which they usually are. They're probably economist -- the next five years.

Motion --

MS RUSSO: I had a quick question, Rudy. How many new basins do you propose to install? How many exist now? Just curious.

MR. GEDEON: We're talking about 20 maybe 25 to 30 new. We have only, I would say, four right now and that is only --

water keeps flowing -- sheet flow and is not picked up and that's why sometimes we have flooding in the area.

MR. CHAIRMAN: Did you make the motion --

MR. KAUFMAN: Motion for an Unlisted Action Negative Declaration.

MS. RUSSO: I second that.

MR. CHAIRMAN: Okay, there is a motion and there is a second. Any further discussions, comments?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: All in favor?

THE COUNCIL: Aye.

MR. CHAIRMAN: All opposed?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Motion carries.

Thank you.

MR. KAUFMAN: You read Newsday?

MS. SPENCER: Yes.

MR. KAUFMAN: Obviously, it is just a fountain of scientific knowledge and it knows everything and it will -- always will be perfect, but they said there are new sea

level rising issues coming up or something? I have not read Newsday. I was reading my CEQ packet a second time.

MS. RUSSO: It is an article regarding the predictions of sea level rising issues and several different scenarios and in how many years.

MS. SPENCER: Right, how high and how many years.

MS. RUSSO: And they had a conference something like a week ago and they didn't have much participation but the DEC is planning for it and discussing it.

MS. SPENCER: I have a question. We were talking about the proposed storm drain pollution on various county roads, and there was a question of rare and endangered species. I would just like to point out that the flying foxes of Australia are rare, and if they're in your home, they're endangered. Just for the record.

(WHEREUPON, there was laughter.)

MR. KAUFMAN: Mary Ann, if I see an Australian flying fox, I am definitely

taking it down.

MR. CHAIRMAN: Historic services?

MR. MARTIN: Just a brief update. The Babylon Town Historical Society has signed their contract with the Van Bourgondien House. So, hopefully, they will be moving in there soon. We do have a meeting with the Housing Committee. I don't know if Mary Ann mentioned this. It is tomorrow at ten in o'clock which we will be reviewing more of our residential sites for possible adjustments of the rents so we can get them all occupied. As I reported before, working out very well.

Also, the Commission and I will be giving a presentation to the Parks Committee next Wednesday on the building survey that we handed out at the last meeting. They have some questions on that. So we will both be attending that to give a brief presentation and to answer any of their questions. That is all I have.

MR. CHAIRMAN: Several months ago, we discussed the possibility of holding a CEQ

meeting at one of the historical sites -- have you given any thought to that?

MR. MARTIN: Yes, at the time I thought Scully House might be a good site. If anyone can offer us any ideas that are environmental centers for the County. We're finishing up, at this point, Phase 2 of the renovation of the building, and we might be interested in doing that.

MS. SPENCER: Or Isaac Mills?

MR. MARTIN: Or Isaac Mills is a possibility. That is in St. James.

MS. RUSSO: Earl Hubbard?

MR. MARTIN: Hubbard. I don't know, what, at this point -- what your interest would be in the sense of the historic site -- so your priority would be?

MR. CHAIRMAN: I don't have any particular priority. This has, in the past, been a very nice way for the Committee to become familiar with some of the sites that, in all likelihood, most of us haven't seen.

MR. MARTIN: Do you want us to discuss it further and get back to you?

MS. SPENCER: I think you should talk to Mr. Chairman and the two of you should agree upon the site. I said Isaac Mills because that is the one that we will be coming forward to the CEQ at some point, and it is on the next register. It has been recently acquired County property, but I think it should be the two of you that should determine where we will meet. I like the idea of meeting in a historical location.

MR. KAUFMAN: By the way, I think you should add Blydenberg to that. It is relatively close in terms of staff time. It is also one of the few complexes that we have in the area that --

MS. SPENCER: And it was our very first.

MR. KAUFMAN: (Continuing) -- and that was our very first.

MR. CHAIRMAN: Considering the weather that I remember right after Deep Wells (Phonetic) purchased land -- excitedly took CEQ over there, and it is now the middle of

Winter and there was no heat -- middle of Winter in November and it was a different experience.

MS. SPENCER: We won't do this before April.

MR. CHAIRMAN: Okay.

Any other questions?

MR. KAUFMAN: One thing. This goes back maybe one month, possibly two. Richard raised a question as to the reconstruction that was going on, on Property 17, which is Carlton Avenue -- Central Islip High School, et cetera. You had raised the issue of bicycle paths, et cetera. Looking at the bikeway and trail ways map, and there is nothing marked on there. There is something on Joshua's Path, and Islip Avenue which is Route 111 and is about a half-a-mile to the west, but there is nothing on 17, so we make the correct decision that way.

MR. MACHTAY: The problem I wanted to point out was -- Rich made a good point as to -- it is in the planning code that a municipality, if they are considering any

project, has to consider the local master plan. Huntington now has passed a section of their master plan for the bikeways to acknowledge -- made a copy of it as well to New York State Planning, and I am trying to find out public bikeway plans in other municipalities.

I would like to prepare a letter from the Chairman to DPW quoting the Planning Law and stating that there are bike plans -- you know, have been adopted and that the Department of Public Works should consider a bike alternative. As a part of their review, they don't have to necessarily go with it, but they have to consider their municipalities planning, and they should be altered to that so that when they come to CEQ, you're going to have questions.

MR. CHAIRMAN: Joy?

MS. SQUIRES: Thank you so much. I think that is excellent, and I think that evolves very nice from several of our somewhat impassioned discussions.

MR. BAGG: You make a good point. Now

you got a bike plan, so take it to the planner.

MR. MACHTAY: I think, also, if -- you know, I use to keep one file cabinet in my office full of case law, and any time anything came up that I wasn't sure of, I would go through the case law and there was plenty of case law on what it means -- what does the word "environment" mean to man? Because the manmade environment is as important to man as the forest is to the trees and the trees are to birds and so on and so forth, and when DPW comes and says, "It is not the environment," because all we're doing is working on a road, it most certainly is the environment and effects the people that live adjacent to it and the surrounding area and in many different ways. If not drainage, then air quality, traffic, and so on and so forth. So, if you're going to change the manmade environment, that is environment also and that really -- I don't mean to put their feet to the fire every time they come here, but certainly it has to

be taken under consideration.

MR. KAUFMANN: You actually open a very old wound. This Commission, figure 15 years ago, was asked to look at the reconstruction of Vanderbilt Parkway from Dix Hills east and west and it was going to be very, very expensive. They considered the highway to be somewhat unsafe. They were going to start taking off the tops of hills and basically making the sidelines better and doing the taking of property. If you know the highway, it is actually a very, very picturesque highway especially in your town and I remember they arranged a bus trip for all of us. I was very, very unhappy -- nothing happened to the Commission -- I was very, very unhappy with the attitude that I was seeing from some of the engineers at that time. "It is a road, let us do what we want," and you know, fortunately, the project didn't go forward but it is something to consider teaching when we talk about reconstruction of the road. Sometimes a road may not just be a road.

MR. CHAIRMAN: Wasn't it declared historic?

MR. KAUFMAN: Yes, it was but they didn't care.

MS. SQUIRES: In addition, Mike, that portion goes -- designates a path and has been worked on -- is being worked in.

MR. KAUFMANN: Well, this was 15 years ago --

MS. SQUIRES: Yes, I am talking about right now.

MR. CHAIRMAN: Are they destroying what we tried to protect 15 years ago?

MS. SQUIRES: No, they're identifying and mapping.

MR. CHAIRMAN: Any other comments?

Joy, it is your turn.

MS. SQUIRES: I have something I am going to try, and maybe you're going to jump at me, but I am doing it on behalf of the Town.

This is a request, if you as the Commission of CEQ, might consider writing a letter of support of a project and this

comes via David and Margo Miles (Phonetic) -- that is the name. This is the scrap metal watershed project and we're trying to get a grant. It is a Crab Meadow Hydro Geological Study and it is a planning study to see if restoration should be considered. This is a large marshland and we have been concerned by the preservation of marshland. This is kind of a very simple letter that would support it to Senator Gilderbrandt.

MR. CHAIRMAN: Well, I won't say no, but let me just mention that I would like to discuss it with Jim because, originally, I had worked with the Town of Huntington to develop a proposal in which I was going to work on it, and I want to make sure there is no conflict of interest because of that previous interaction.

MS. SQUIRE: Perhaps you would write a letter in support with your Stony Brook tile if you cannot do CEQ.

MR. KAUFMAN: Question? What kind of reconstruction are you talking about?

MS. SQUIRES: Oh, no, it is not

reconstruction.

MR. KAUFMANN: What kind of water shed management?

MS. SQUIRE: It is a Hydro Geological Study of Crab Meadow because there have been issues there in terms of road issues. This is long term -- this has been something that we wanted to do for a long time but without a grant.

MR. KAUFMAN: You're looking more at the watershed as opposed to the marsh itself? Is that what you're talking about?

MS. SQUIRES: It is the whole marsh.

MR. CHAIRMAN: As I recall, there were times when people can't even get to their homes or out of their homes because of flooding and the whole --

MS. SQUIRES: But, of course, as he just pointed out, it will be a mood point in the wild.

Anyway, it is a study. It is not doing anything.

MR. KAUFMAN: I am, frankly, thinking about it in terms of what recently happened

with the County Wide Management Program and the control. I know that there were issues with Crab Meadow that did come up. It is not high enough priority to support doing any kind of restoration efforts or anything like that. I am just curious.

MS. SQUIRES: This is just a grant for a study.

MR. MACHTAY: Who is supposed to do the study? Do you know or just --

MS. SQUIRES: Well, the study is all planned. We were trying to get a grant on it for maybe -- how long? Like 5 years.

MR. CHAIRMAN: At least.

MR. MACHTAY: No, I understand that, but who will conduct the study? Is the County going to do that on their own or are they --

MS. SQUIRES: David Bonte (Phonetic) from Stony Brook.

MR. CHAIRMAN: Any other business?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Do we have another motion -- well, let me say, Katherine, thank

you for attending. You came in very quitely but thank you for --

MS. STARK: There was a mistake in the building.

MR. CHAIRMAN: By mistake?

MS. STARK: Yes.

MR. CHAIRMAN: Your office does that regularly. We all do that, so don't feel badly and thank you for attending.

All right, do we have a motion to adjourn?

MR. MACHTAY: Motion.

MR. CHAIRMAN: Second?

MS. RUSSO: Second.

MR. CHAIRMAN: All in favor?

THE COUNCIL: Aye.

MR. CHAIRMAN: Motion carries.

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: Another mission successfully carried out.

(WHEREUPON, this meeting was adjourned at 11:40 a.m.)

* * *

C E R T I F I C A T I O N

STATE OF NEW YORK)

:ss

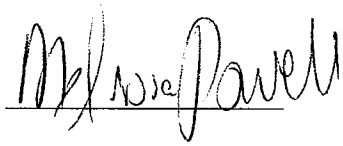
COUNTY OF SUFFOLK)

I, MELISSA POWELL, a Shorthand Reporter and Notary Public of the State of New York, do hereby certify:

That the within transcript was prepared by me and is a true and accurate record of this hearing, to the best of my ability.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____ 2009.



MELISSA POWELL

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