ORIGINAL

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

Arthur Kunz Library
H. Lee Dennison Building
4th Floor
100 Veterans Memorial Highway
Hauppauge, New York

March 17, 2010
9:31 a.m.

S.C. PLANNING DEPT.
2010 APR -6 AM 10:09

BEFORE:

R. LAWRENCE SWANSON, Chairperson

MICHAEL KAUFMAN, Vice Chairperson

REPORTED BY:

STEPHANIE J. VALDER, Court Reporter/Notary Public

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

BOARD MEMBERS:

EVA GROWNEY

TOM GULBRANSEN

RICHARD MACHTAY

GLORIA G. RUSSO

MARY ANN SPENCER

ABSENT BOARD MEMBERS:

DANIEL PICHNEY

HISTORIC SOCIETY MEMBERS:

RICHARD MARTIN

ALSO PRESENT:

JAMES BAGG, Chief Environmental Analyst

LAURETTA FISCHER, Suffolk County Planning

RONALD N. HILL, P.E., Dunn Engineering Associates, P.C. Consulting Engineers

RUSS MACKEY, Suffolk County Department of Public Works

A P P E A R A N C E S (Continued):

ALSO PRESENT:

HONORABLE VIVIAN VILORIA-FISHER, Suffolk County Legislature

TOM YOUNG, Suffolk County Attorney's Office

CHRISTINE DeSALVO, CEQ Staff

1 (WHEREUPON, this proceeding
2 convened at 9:31 a.m. Off-the-record
3 discussions ensued, after which the
4 following transpired:)
5 (Time Noted: 9:32 a.m.)
6 CHAIRMAN SWANSON: So we'll call
7 the meeting to order.
8 Did anybody review the
9 February 17th minutes?
10 MR. MACHTAY: I did.
11 CHAIRMAN SWANSON: Yes.
12 MR. MACHTAY: I think it's
13 perfectly adequate.
14 CHAIRMAN SWANSON: Okay.
15 MR. MACHTAY: And I will move it.
16 CHAIRMAN SWANSON: Do we have a
17 motion to accept the minutes?
18 MS. SPENCER: Second.
19 CHAIRMAN SWANSON: Is that a
20 second?
21 MS. SPENCER: It is.
22 CHAIRMAN SWANSON: We have a
23 second from Mary Ann.
24 Any further discussion?
25

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: All in favor?

(WHEREUPON, the members voted.)

CHAIRMAN SWANSON: Aye.

Opposed?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Motion carries.

MR. MACHTAY: What happened to the January 20th minutes? They're not, they're not posted.

MS. DeSALVO: We received them really late. So they're -- they were just posted, I believe this morning. so --

MR. MACHTAY: We'll get it next week -- next month.

CHAIRMAN SWANSON: Correspondence. There is a letter in your packet from the Town of Islip. And it says please be advised that the Town of Islip supports construction of sidewalks on County Road 76, between Jackson Street

and Southern Boulevard in Hauppauge.

While we're on correspondence, I just want to mention that last night, Christine, Jim, Rich, Mike, and myself all attended the public hearing on the scoping document for the Yaphank Development -- proposed development.

I just report that Tom Isles, I thought, ran an excellent meeting. The meeting was quite orderly, spirited discussion -- or not discussion, but spirited comments.

Some I think were constructive comments, that, that, you know, I thought were refreshing to, to hear. And while it probably wasn't anything that was overwhelmingly different than what we already have heard or know, nevertheless, there was, I think, incremental bits of information that would help.

And one of the most interesting things to me -- and I'm not speaking from a legal point of view -- but was

1 the position of a number of the people
2 from the community, that the County had
3 taken much of the property that they're
4 talking about, eminent domain, and that
5 they believe that there's -- there are
6 issues with now trying to sell it.
7 Legally, I understand there's
8 nothing that prohibits the sale. But I
9 do certainly think it's an interesting,
10 ethical, social issue, you know, that
11 probably will be debated.
12 The other thing that I was really
13 struck by, without going through my
14 notes, was several people challenged
15 the overall process of what has gone
16 on. And Richard Amper (phonetic) in
17 particular raised those issues.
18 And then also, one of the last
19 speakers I thought who was interesting
20 in that he was, first of all, an
21 experienced farmer. And he spoke about
22 the potential incompatibility of the
23 historic farm owned by the County and
24 any proposed development. Basically,

what he said was, as soon as the development is, is complete, people will start complaining about the, the noise, and the dust, and so forth from the farm, and ask to have the farm shut down.

So those were just some of the things. It was very orderly. Although, I think the County was well prepared to handle a disorderly meeting, because they had guards on duty and several other police presence.

Anyway, Mike, or Rich, anybody have any other issues?

VICE CHAIRMAN KAUFMAN: The legal issues that they brought up, I thought were interesting. I don't think they're right.

As Larry was talking about, the people were complaining about if something is purchased by eminent domain for a public purpose, can it be sold later on? And the Court's decisions are pretty clear that it can

1 be.

2 One of the things that I noticed

3 in there was, a lot of people were

4 talking about the Carmen's River and

5 the watershed impacts. And a lot of

6 people were very, very heavily focused

7 on that. So that's something that

8 we're going to have look at obviously,

9 very, very heavily.

10 CHAIRMAN SWANSON: And while you

11 mentioned that, Tom Isles made it very

12 clear that the County Health Department

13 will be working actively to look at

14 water quality issues in the Carmen's

15 River, and that their consultant, which

16 is Dvirka & Bartilucci, will be working

17 with the model that they have to help

18 elucidate issues with regard to the

19 Carmen's.

20 Sorry.

21 VICE CHAIRMAN KAUFMAN: No, not a

22 problem.

23 Again, as Larry was saying, some

24 of the people thought the process was

25

1 flawed. I don't necessarily buy that.
2 I think we've done -- as it's been
3 presented to us, I think everyone's
4 followed the correct process, starting
5 in December.
6 So legally, I think we're on okay
7 ground, as far as things have gone.
8 But --
9 CHAIRMAN SWANSON: But I think
10 they were not challenging the process
11 with regard to CEQ. It was the County,
12 the Government.
13 VICE CHAIRMAN KAUFMAN: Well,
14 that's something else. I don't want to
15 go into it.
16 There was some of this -- what's
17 the right word for it -- people were
18 not happy about the way the entire
19 project has come about, but that's
20 outside of our purview.
21 Again, watershed was very
22 important. Traffic, cumulative impact,
23 there seems to be a lot of development
24 in the area that might be coming
25

1 on-line. People are concerned about
2 nutrient loadings, et cetera.
3 Everything basically that we've
4 discussed in the past and that has been
5 put in this scoping document, seems to
6 have been hit on by the people last
7 night, in terms of those who were
8 raising environmental objections. So
9 I think the scope was pretty complete
10 and, and will be fleshed out by the
11 comments that were brought up, at least
12 again, on the environmental side of
13 things.
14 So I, I thought that a lot of the
15 people who showed up were very much on
16 point, in terms of what was really
17 needed to be looked at. So --
18 CHAIRMAN SWANSON: Rich? You got
19 an opinion?
20 MR. MACHTAY: I thought it was
21 very civilized, as hearings go. I've
22 been to many and --
23 (Laughter.)
24 VICE CHAIRMAN KAUFMAN: No one was
25

1 hung.

2 MR. MACHTAY: And, and I, I think

3 there were a lot of good comments. I

4 got myself a bunch of notes that I will

5 be looking for when the impact

6 statement comes in.

7 Someone made the slight

8 reference -- the very slight reference

9 and then backed off on it -- of, of the

10 point of existing businesses and how

11 this would effect existing business, if

12 you put more retail in; okay?

13 VICE CHAIRMAN KAUFMAN: Yeah.

14 MR. MACHTAY: And it always

15 happens, the new retail supplants the

16 older retail, and the mom and pop shops

17 get, get hurt, and are forced out of

18 business. So I think that they really

19 have to look at that in the impact

20 statement also.

21 There is case law now that backs

22 up the issue of competition; okay.

23 And, you know, you have to address it,

24 and what it's going do to existing

25

1 small drug stores and -- when the big
2 CVS and Walgreens comes in, you know.
3 But, you know, the, the other
4 issues, most of the other issues that
5 the people brought up are already in
6 the scoping document. And had they
7 read the document, they may have saved
8 everybody a lot of time by just saying
9 we agree with the document.
10 So I think we're headed in the
11 right direction.
12 HON. VILORIA-FISHER: Rich, I have
13 a question. You mentioned the small
14 businesses as being part of the EIS.
15 But is that part, but is that part of
16 the EIS, the economic impact?
17 MR. MACHTAY: Yes.
18 HON. VILORIA-FISHER: I thought
19 that it was --
20 MR. MACHTAY: Yes --
21 HON. VILORIA-FISHER: -- I
22 couldn't -- I thought that was outside
23 of it.
24 MR. MACHTAY: -- yes. Read the
25

1 preamble to SEQR --
2 HON. VILORIA-FISHER: Okay.
3 MR. MACHTAY: -- economic, and
4 social, and environmental issues.
5 HON. VILORIA-FISHER: Economic,
6 okay.
7 CHAIRMAN SWANSON: Eva?
8 MS. GROWNEY: I have a couple
9 questions. It partly goes to what you
10 were just talking about.
11 But the farm in particular, the
12 impact -- did they discuss any impact
13 of the project on the farm, in terms
14 of pollution aspects, environmental
15 aspects, because they didn't discuss
16 that?
17 CHAIRMAN SWANSON: They did not.
18 VICE CHAIRMAN KAUFMAN: They
19 reversed it.
20 MS. GROWNEY: Uh-huh.
21 VICE CHAIRMAN KAUFMAN: It was the
22 impact of the farm upon the potential
23 development, in terms of odors, manure,
24 possibly migrating --
25

MR. BAGG: Right. And incompatibilities usage.

VICE CHAIRMAN KAUFMAN: -- and things like that, incompatible usage, as Jim just said.

MS. GROWNEY: Uh-huh. Right.

But it seems to me that there is another -- the flip, flip side of that is also a factor.

VICE CHAIRMAN KAUFMAN: Yeah.

CHAIRMAN SWANSON: Well, it could be.

VICE CHAIR KAUFMAN: It just wasn't raised.

CHAIRMAN SWANSON: We didn't say a word --

MS. GROWNEY: Right.

CHAIRMAN SWANSON: -- because we, we just -- we listened.

Another thing that was raised was sort of a challenge to the County's position on Smart Growth.

MS. GROWNEY: Uh-huh.

CHAIRMAN SWANSON: And one of the

1 things that a number of people -- not a
2 number of -- three or four people
3 raised was that right now there are
4 about 12,000 vacant homes that would
5 classify as low-income housing. And
6 that we, we should be using that, as
7 opposed to constructing new homes --
8 which people alluded to were not really
9 going to be low-income housing given, I
10 guess, by what projected sales prices
11 might be.
12 So that was it.
13 Michael?
14 VICE CHAIRMAN KAUFMAN: Yeah.
15 They were talking about the
16 foreclosures, and they were almost
17 coming to the point of saying that the
18 County should develop a plan to
19 purchase foreclosed upon houses from
20 banks -- and this is sort of a current
21 idea -- and try to rehab them and
22 resell them at the lower prices, than
23 what the Yaphank project talked about.
24 I do want to say one thing -- one
25

1 other thing. I want to thank Jim --
2 HON. VILORIA-FISHER: While you're
3 on that, Michael.
4 VICE CHAIRMAN KAUFMAN: Yeah.
5 HON. VILORIA-FISHER: I'm sorry
6 for the interruption. But the count
7 that is being done and actually the
8 vehicle that the County uses is
9 not-for-profits, the housing
10 partnership for example. And although
11 there are 12,000 homes, the need for
12 affordable housing is between sixty-
13 and ninety-thousand.
14 VICE CHAIRMAN KAUFMAN: Just,
15 just, okay, just letting you know that
16 was --
17 HON. VILORIA-FISHER: I'm not --
18 well, I'm not trying to debate you.
19 VICE CHAIRMAN KAUFMAN: Yeah, I'm
20 just saying what people were --
21 HON. VILORIA-FISHER: Issues that
22 can --
23 VICE CHAIRMAN KAUFMAN: -- I'm
24 aware of the Long Island Housing
25

1 Partnership, et cetera. I'm just
2 saying what people were talking about.
3 HON. VILORIA-FISHER: Uh-huh.
4 VICE CHAIRMAN KAUFMAN: One thing
5 I do want to point out is, I want to
6 thank Jim for working on the scope. It
7 was very, very complete.
8 And again, as Rich said a moment
9 ago, if people had read the scope, they
10 might not have needed to say as much
11 they did. It was a very, very complete
12 scope. It hit all of the primary
13 issues.
14 And again, as a draft, it, it is
15 supposed to identify what issues might
16 need to be looked at, as opposed to
17 fleshing out in great detail what is
18 absolutely needed or what it is needed.
19 It's more, at this point in time, an
20 alert device to the people who will be
21 drafting the document. So again, it
22 was put together very, very well, and
23 anticipated most of the comments that
24 came up.
25

1 And I just wanted to thank Jim for
2 supervising and working on that
3 particular aspect of everything. It
4 was useful to me. And again, it serves
5 as an excellent starting point.
6 MR. GULBRANSEN: Mr. Chairman, is
7 this the point in time when we should
8 be providing official feedback to that,
9 that scope?
10 CHAIRMAN SWANSON: Not yet.
11 MR. GULBRANSEN: But we'll, we'll
12 have a crack at that?
13 CHAIRMAN SWANSON: Yeah. There
14 are -- yeah, the written record is
15 open until the end of the month. And
16 then I guess Jim and others will be
17 compiling --
18 MR. BAGG: Yeah. As I, as I --
19 as Michael said, you know, I -- we
20 originally, you know, went with the --
21 you know, through it with the
22 consultants on the draft scope. But it
23 was really the consultants, Cameron
24 Engineering, that drafted the scope,
25

1 and, and Michael Mulé in our office who
2 drafted the scope.
3 CHAIRMAN SWANSON: So I would
4 imagine sometime around the end of
5 April.
6 MR. BAGG: Before the end of the
7 month. You know, if you want to submit
8 written comments, they should be sent
9 in. You can send them in to me or
10 Tom Isles.
11 MR. GULBRANSEN: So CEQ members
12 should send comments to you now, as
13 contrasted with waiting until we meet?
14 MR. BAGG: Yes, most definitely.
15 MR. GULBRANSEN: Can, can the
16 e-mail that I sent be used --
17 forwarded?
18 MR. BAGG: Oh no, that's fine.
19 VICE CHAIRMAN KAUFMAN: But Jim,
20 don't -- once the draft, or once the
21 scope becomes organized by the
22 consultants and by the Department,
23 then we review it for completeness,
24 and in an official capacity. And we
25

1 have -- if I remember correctly, there
2 is some sort of an approval process by
3 us that has to be done, so we get our
4 shot at it --
5 MR. BAGG: Right.
6 VICE CHAIRMAN KAUFMAN: -- as a
7 body.
8 MR. BAGG: But in order to be
9 efficient, Mike, and organized, you
10 should put the comments in up front so
11 we can revise it, rather than present
12 it to CEQ and have you revise it at the
13 meeting. I mean --
14 VICE CHAIRMAN KAUFMAN: Yeah. But
15 previously we have dealt -- when the
16 comments are all organized, and we have
17 the chance to see what everyone has
18 said. Again, under our rules and
19 regulations, we have the, the chance --
20 maybe we don't do the meeting and we
21 can send it in by e-mail or something
22 like that -- but we do have the chance
23 to look and see if anything is
24 incomplete, or if we want more emphasis
25

1 placed on something.
2 I mean that's what we've done in
3 the past.
4 MR. BAGG: Yeah, you, you do have
5 that chance, finally when it goes to
6 CEQ. But we would prefer -- the staff
7 would prefer that you get your ideas in
8 to us --
9 VICE CHAIRMAN KAUFMAN: Yeah.
10 MR. BAGG: -- early on, so that we
11 can incorporate them if you think
12 changes should be made.
13 CHAIRMAN SWANSON: Before Rich,
14 let me clarify something with Tom.
15 Tom, are you asking me to forward to
16 Jim what you forwarded -- sent to me --
17 MR. GULBRANSEN: Yes.
18 CHAIRMAN SWANSON: -- or did you
19 send him --
20 MR. GULBRANSEN: I, I don't think
21 I copied Jim on the -- that initial
22 comment.
23 CHAIRMAN SWANSON: So I have to
24 remember to forward it to Jim.

(Laughter.)

MR. GULBRANSEN: No, no. I'm just asking whether that's appropriate.

CHAIRMAN SWANSON: It is certainly appropriate.

(Laughter.)

VICE CHAIRMAN KAUFMAN: Can I have your pen for a second?

(Laughter.)

CHAIRMAN SWANSON: Okay, Rich.

VICE CHAIRMAN KAUFMAN: Reminder.

MR. MACHTAY: Just curious, the consultant is being hired to do a draft impact statement and a final impact statement?

MR. BAGG: Everything, everything.

MR. MACHTAY: A finding statement as well?

MR. BAGG: They already -- they've already helped, you know, or did most of the scope. We had a preliminary meeting. And from now on, they'll be doing everything -- you know, public hearings, you know.

1 MR. MACHTAY: Okay. So they'll do
2 both impact statements?
3 MR. BAGG: Yes.
4 MR. MACHTAY: Okay.
5 HON. VILORIA-FISHER: Although the
6 funding hasn't passed the --
7 MR. BAGG: Yeah.
8 VICE CHAIRMAN KAUFMAN: Yes.
9 HON. VILORIA-FISHER: -- the
10 Legislature.
11 MR. MACHTAY: Well, if they, if
12 they are hired, they will do both.
13 HON. VILORIA-FISHER: I just
14 have --
15 VICE CHAIRMAN KAUFMAN: Details?
16 HON. VILORIA-FISHER: -- another
17 question.
18 VICE CHAIRMAN KAUFMAN: Yeah.
19 HON. VILORIA-FISHER: Were you
20 finished, Rich?
21 MR. MACHTAY: Yes, sure.
22 HON. VILORIA-FISHER: With regards
23 to sending individual comments to Jim,
24 I remember a few years ago -- and you
25

1 can clarify this for me if I'm
2 mistaken -- wasn't there a sense that,
3 if you're sending individual comments,
4 those aren't public. Those are just to
5 you as part of CEQ. Because you can't
6 speak as a member of CEQ publically, as
7 an individual, unless we have decided
8 something together.
9 CHAIRMAN SWANSON: Yeah.
10 HON. VILORIA-FISHER: I remember
11 we ran into some problems --
12 MR. MACHTAY: Hello.
13 HON. VILORIA-FISHER: -- with that
14 about five years ago?
15 CHAIRMAN SWANSON: Yeah. Right.
16 It would be as an individual.
17 HON. VILORIA-FISHER: It would be
18 as an individual that --
19 CHAIRMAN SWANSON: Yeah.
20 Collectively, we would have to send it
21 in, if we wanted to say --
22 MR. MACHTAY: Oh, jeez.
23 HON. VILORIA-FISHER: Right.
24 CHAIRMAN SWANSON: -- I as CEQ
25

1 member --
2 HON. VILORIA-FISHER: Right.
3 CHAIRMAN SWANSON: -- believe
4 this.
5 HON. VILORIA-FISHER: But if --
6 but Tom's written comments would be as
7 Tom speaking for CEQ.
8 MR. MACHTAY: Oh, God. I'm at a
9 meeting. Where are, where are you?
10 HON. VILORIA-FISHER: Okay. We
11 ran into some problem with that about
12 five years ago.
13 MR. MACHTAY: Right, right.
14 HON. VILORIA-FISHER: So I was
15 just, you know, curious.
16 MS. GROWNEY: He speaks as a
17 citizen.
18 HON. VILORIA-FISHER: Just as a
19 citizen, yeah.
20 MR. BAGG: Once the final scope
21 has been prepared --
22 HON. VILORIA-FISHER: Uh-huh.
23 MR. BAGG: -- it will be brought
24 into the CEQ --
25

1 HON. VILORIA-FISHER: That is what
2 I remember.
3 MR. BAGG: -- as a document. And
4 you will make a recommendation to the
5 Legislature in a formal vote, as to
6 whether that is -- whether that should
7 proceed or be modified in some way.
8 That would be the official CEQ
9 position.
10 CHAIRMAN SWANSON: Yes, sir.
11 MR. YOUNG: All right. Well, you
12 know, I'm not -- this is my first
13 meeting here this morning. But I'm not
14 familiar with your rules that you may
15 have adopted internally.
16 But there may be a question as to
17 whether or not a member of the group
18 can comment publically, and then
19 have -- be able to review the document
20 when it comes here. So, you know --
21 MS. GROWNEY: I understand.
22 MR. YOUNG: -- so I think that's
23 a --
24 HON. VILORIA-FISHER: Yeah.
25

1 MR. YOUNG: -- a problem.
2 HON. VILORIA-FISHER: Just
3 curious. I think that was what I was
4 speaking to --
5 MR. YOUNG: Yeah, right.
6 HON. VILORIA-FISHER: -- whether
7 Tom's comments are going internally to,
8 to Jim to start looking at it, or would
9 that be public?
10 MR. GULBRANSEN: How about if I
11 make the comment now and you can do
12 with it what you want?
13 HON. VILORIA-FISHER: That sounds
14 better.
15 MR. GULBRANSEN: Would that would
16 be more appropriate?
17 MS. GROWNEY: That might be a
18 better way to do it.
19 VICE CHAIRMAN KAUFMAN: Yeah. In
20 the discussion of CEQ, to make your
21 comment.
22 HON. VILORIA-FISHER: Make your
23 comment, yeah.
24 MR. GULBRANSEN: I don't have the
25

1 document here, but in the document they
2 talked about the developer's proposed
3 zero energy model of development.
4 HON. VILORIA-FISHER: Uh-huh.
5 MR. GULBRANSEN: The way it was
6 phrased, that was a -- it seemed that
7 that was an optional maybe feature of
8 the development. And that if that was
9 exercised, then the EIS scope would
10 address it.
11 That didn't seem to be connected
12 enough. It seemed like the development
13 should state its intended methods and
14 positions on energy balancing overall,
15 and then the EIS can address it.
16 Otherwise, the EIS preparers would have
17 this potential matter, and say the no
18 action option is without it, the action
19 option is without it, maybe but, it's
20 with it.
21 It was not clear enough to, to
22 determine whether that was in the scope
23 or not.
24 CHAIRMAN SWANSON: Wait a minute.

1 Are you through?

2 MR. GULBRANSEN: So that scoping

3 document might, might be clarified in

4 that regard, in order for the overall

5 energy and greenhouse footprint kind of

6 thing that could be addressed like it

7 should be, not just at the discretion

8 of the developer's specific discretion.

9 Okay. Sorry.

10 MR. BAGG: I think that particular

11 issue, though, was put into the

12 contract by the County Executive as to

13 saying that's what they would like to

14 see.

15 CHAIRMAN SWANSON: Michael?

16 VICE CHAIRMAN KAUFMAN: The issue

17 is, it has been part -- it has been

18 noted in the scoping document, it has

19 been noted in the RFP's, and it has

20 been part of the overall project, if

21 you will, presentation. As such, I

22 don't think the -- we need to worry

23 about whether it attaches as heavily as

24 you say.

1 If it's been noted, it's going to
2 form part of the scoping document and
3 also part of the EIS. You can't avoid
4 not mentioning it.
5 We all know that the document, as
6 it has been presented right now, talks
7 about a four megawatt electrical
8 distribution system, I believe in the
9 southern part. If it's mentioned, it's
10 going to be analyzed. So if it's in
11 there, it has to be analyzed.
12 There's not -- there cannot be an
13 uncoupling, the way you are worried
14 about. If it talks about it, it's got
15 to be done. Or as -- officially, in
16 our position, reviewing this document
17 at a later time, if the consultant does
18 not analyze the data aspect of the
19 project, we simply say it needs to be
20 analyzed. And that's in our official
21 capacity at that time. And that's
22 again, later when we are reviewing the
23 document itself.
24 So it's coupled in there. And it
25

1 can't be decoupled, unless they dump it
2 out of the project totally and remove
3 everything.
4 CHAIRMAN SWANSON: Eva?
5 MS. GROWNEY: Your last sentence
6 is the -- is my concern. Because this
7 is used so often as an eyewash for
8 development purposes, whether it's an
9 individual house or a large complex of
10 any, any structure. And it's -- I
11 think that it's prudent for us, as a,
12 you know, a vehicle for commenting on
13 environmental issues, that if there's a
14 way that we could mandate it, or
15 suggest that it be mandated, or
16 something, or not be in there as a
17 loosey-goosey, good feeling -- feel
18 good kind of thing that they can pull
19 out from underneath everybody at the
20 last minute, because that's been
21 happening all over the place.
22 VICE CHAIRMAN KAUFMAN: But they
23 can't pull -- if they do pull it out,
24 then it's not in the EIS. They can't
25

1 do it.

2 Essentially, under land use laws,

3 if an EIS is required, and if they

4 don't have it in there, it stalls.

5 They would be required to do a

6 supplemental.

7 So they can't just pull it out and

8 say, you know -- which is the developer

9 trick, to put it bluntly.

10 MS. GROWNEY: Yeah.

11 VICE CHAIRMAN KAUFMAN: They can't

12 pull it out. It would require a

13 supplemental, if they wanted to put it

14 in back in at a later time. It will

15 stall the project, if they tried that.

16 Again, though, there's no

17 decoupling in here right now. And

18 frankly, if they did want to pull it

19 out if, for some reason, it -- the EIS

20 did come up with that concept, it

21 becomes one of the alternatives. And

22 it gets looked at that way, if the

23 developer wants to play with it.

24 It's been mentioned too many times

25

1 to -- really to, to decouple --
2 MS. GROWNEY: No. I --
3 VICE CHAIRMAN KAUFMAN: -- at this
4 point in time.
5 MS. GROWNEY: -- I guess I'm
6 uncomfortable because I've seen -- you
7 know, I'm in the --
8 VICE CHAIRMAN KAUFMAN: I know.
9 MS. GROWNEY: -- industry for
10 35 years, so --
11 VICE CHAIRMAN KAUFMAN: I've dealt
12 with land use also, so I know what they
13 do.
14 MS. GROWNEY: You know, it's very
15 uncomfortable for me, you know,
16 especially sitting on this committee,
17 you know, which I take very seriously
18 that there be a, you know, availability
19 to the developer to pull it out. So,
20 you know --
21 VICE CHAIRMAN KAUFMAN: They'd
22 have to change too much.
23 MS. GROWNEY: Well, you know, it
24 does, it does effect a lot of things.

1 You know, it's not just that project.
2 It effects, you know, the whole County,
3 it effects the immediate neighbors.
4 It's, you know, it has an impact on so
5 many things.
6 VICE CHAIRMAN KAUFMAN: Well,
7 remember though, that's this is just in
8 the EIS that we're dealing with; okay?
9 MS. GROWNEY: Right. I know.
10 VICE CHAIRMAN KAUFMAN: What they
11 actually build, the -- it's actually
12 like a one-way ratchet.
13 MS. GROWNEY: Uh-huh.
14 VICE CHAIRMAN KAUFMAN: They can't
15 do more than what is in the EIS.
16 MS. GROWNEY: Uh-huh.
17 VICE CHAIRMAN KAUFMAN:
18 Theoretically, they don't -- after the
19 EIS is developed, they could
20 theoretically pull it out. That is
21 part of the contracting purpose,
22 contracting issues, et cetera.
23 And it will have been at least
24 analyzed in the EIS, and then you
25

1 get -- it, it starts going. What's the
2 right word for it -- there are -- there
3 would become complications, if they
4 start downscaling the project.
5 But again, that's downscaling,
6 that's less development than what an
7 EIS would have. And EIS is more --
8 covering what potentially could occur.
9 It doesn't lock them in, though.
10 MS. GROWNEY: Okay.
11 CHAIRMAN SWANSON: In that, in
12 that same vein though, one of the
13 things that sort of is of interest to
14 me is the comments in the document that
15 we saw, about they were going to be
16 doing LEED buildings.
17 And Vivian, maybe you know, what
18 is the long-term commitment to keeping
19 things green, once the private
20 developer gets their hands on it?
21 HON. VILORIA-FISHER: I was just
22 whispering with Jim about that --
23 MR. BAGG: Right.
24 (Laughter.)
25

HON. VILORIA-FISHER: -- because the intent is there in the County Executive's proposals. As you know, our law is that any buildings built on County property be LEED certified buildings. You know, we passed that a few years ago.

But we are surplusing these profits and so the LEED or green building component is appearing in some other fashion, as this moves forward. And I have to take a closer look at that and see how we're addressing that.

Right now, I'm worried about spending $400,000 on an EIS, and how we're bonding that, and paying for that. And, you know, so it -- this is so complex, and, you know, that there are so many different layers of concern.

But I, but I think that the, that the green building is part of what the County Executive has put in the proposal, but I have to take a look at

1 that.

2 CHAIRMAN SWANSON: But as you

3 know, once a private homeowner gets

4 something, what's to make him or her

5 continue it?

6 HON. VILORIA-FISHER: But you also

7 have to remember what Brookhaven Town

8 is doing, okay, which is now every --

9 almost all of the townships, I think at

10 this point, all of them do have the,

11 you know, have the Energy Star home

12 component.

13 And it's moving up further. I've

14 been working with Mark Lesko to move

15 toward what Steve Bellone has been

16 doing in Babylon, you know. I had the

17 green homes, green jobs conference with

18 the supervisors.

19 And so, when it comes time for the

20 Town taking a hard look at it, I think

21 the Town is going to be looking at that

22 as well. So we have a good partner in

23 Brookhaven Town giving it a close look,

24 as far as green, green homes.

25

VICE CHAIRMAN KAUFMAN: Okay. Fine.

Just following up on that comment, the way you handle it is in the contract, and you put in covenants -- simple and easy.

HON. VILORIA-FISHER: Yeah.

VICE CHAIRMAN KAUFMAN: You guys have to approve any contracts that the Executive makes between the developer and the --

HON. VILORIA-FISHER: Uh-huh.

VICE CHAIRMAN KAUFMAN: -- County. So by contract, you put in those terms --

HON. VILORIA-FISHER: Well, we haven't seen the contract yet.

VICE CHAIRMAN KAUFMAN: -- and again, it's -- covenants is the way you --

HON. VILORIA-FISHER: Yeah.

VICE CHAIRMAN KAUFMAN: -- you handle it.

CHAIRMAN SWANSON: Eva?

MS. GROWNEY: And, and this goes to the, the great misconception that it's going to cost more to build, so we got to pull it out -- which is such an erroneous statement because the truth of the matter is, the amount -- the percentage of increase for the cost -- which there is a minor increase -- far benefits the, the -- far, you know, is, is less than the benefits received over the maintenance aspects of all the systems that are put in.

So whether it's the building envelope system, whether it's the building HVAC system, you know, whether it's the water system, whatever it is, those systems become less needy upon energy use -- usage, and, and, you know, the quality of air is already addressed in those things.

And that has to be -- too many times, I've seen local governments out here -- gives the contractor, oh, okay, a feel good -- we know, we understand,

1 okay, you can take that out.
2 And I think that that is something
3 that the County needs to think about
4 hard lining, because it's, it's --
5 CHAIRMAN SWANSON: Okay. So we
6 probably ought to move on.
7 I just would note that there
8 were two legislators there last night,
9 Mr. Romaine and Ms. Browning.
10 And then, upon a lighter side,
11 believe it or not, there were a number
12 of people that actually complimented
13 CEQ on going, going with the pos. dec.
14 Although the last speaker says, I
15 compliment you, but on the other hand.
16 (Laughter.)
17 CHAIRMAN SWANSON: So --
18 HON. VILORIA-FISHER: But on the
19 other hand?
20 MS. RUSSO: What was the rest of
21 the statement?
22 CHAIRMAN SWANSON: It was going
23 back to mosquitos.
24 MS. RUSSO: Oh, no.
25

(Laughter.)

CHAIRMAN SWANSON: It was Kevin McAllister (phonetic).

MR. BAGG: Can you guess who that was?

CHAIRMAN SWANSON: He wanted to insert the knife just a little bit.

MS. SPENCER: Oh, boy.

CHAIRMAN SWANSON: All righty. So Historic Trust.

MR. MARTIN: Morning.

I've handed out a flyer last meeting, on the vacant housing that were available in the Parks Department Housing Programming. And the response has been very good to that flyer, and we've rented four of the houses out of the six that were listed.

We still have available the apartment at Coindre Hall and the -- what we call the Stimson House at West Hills. And another flyer will be going into everyone's paychecks, Suffolk County employees, next month, to again

attract some attention.

And also now, we have another vacancy at Prosser Pines. So we have three vacancies at this point.

So this is working and we're pleased, like I said, at the response.

With our contract work through the local groups at our historic sites, we are renewing the contract with the Great South Bay Audubon Society, at Brookside County Park in West Sayville. And they've been there a number of years. We're just renewing that at this point. We're very happy with the work they've done, both with the Historic House and within the parkland there.

And also, initiating a new contract with the North Fork Audubon Society, which is located at what we call the Red House at Inlet, Inlet County Park in Greenport. They also are within an historic residence, and maintain the trails, and provide

1 programs at that Park.
2 And that's all I have today.
3 CHAIRMAN SWANSON: I have a
4 question. On Saturday night, when I
5 was out actually making measurements of
6 the storm surge, I noticed that the --
7 HON. VILORIA-FISHER: Boy, you
8 know how to have fun on a Saturday
9 night.
10 (Laughter.)
11 MS. GROWNEY: Why didn't you call
12 me, Larry?
13 (Laughter.)
14 HON. VILORIA-FISHER: That's off
15 the record.
16 (Laughter.)
17 VICE CHAIRMAN KAUFMAN: The
18 previous Saturday, he went out with me
19 for dinner.
20 (Laughter.)
21 CHAIRMAN SWANSON: My wife always
22 says to me, you're going to do what.
23 (Laughter.)
24 CHAIRMAN SWANSON: You may not
25

1 come back. And I say, well, you could
2 come, and she would always say, and
3 just what could I do.
4 (Laughter.)
5 CHAIRMAN SWANSON: And so I have
6 to go by myself.
7 So, but at any rate, at the
8 intersection of Miller Place Road and
9 25-A, there's always a huge flood.
10 HON. VILORIA-FISHER: Right.
11 CHAIRMAN SWANSON: Was there any
12 consequence to your newly acquired
13 property there?
14 MR. MARTIN: Not to the, to the
15 house. That is up on the hill and I
16 don't think it's ever been impacted by
17 the water there.
18 CHAIRMAN SWANSON: Does it have a
19 basement?
20 MR. MARTIN: It does have a
21 basement, but it's very high up --
22 CHAIRMAN SWANSON: Okay.
23 MR. MARTIN: -- on that site.
24 Yes. So while that's not really an
25

1 issue there, it does obviously impact
2 the property and the pond that's there.
3 I mean I don't know, long-term, what
4 the issues of drainage in that area
5 will be.
6 The, the historic pond that's in
7 front of the house has kind of turned
8 into a runoff catch basin. So I don't
9 know if there's any plans to take a
10 serious look at that to -- as to how
11 that issue could be remedied there.
12 CHAIRMAN SWANSON: Do you own the
13 pond?
14 MR. MARTIN: The County owns
15 about, I think half to three-quarters,
16 the east side of the pond. The other
17 half of the pond is owned by the Town
18 of Smithtown.
19 CHAIRMAN SWANSON: And that's for
20 the Mills Pond House?
21 MR. MARTIN: For the Mills Pond
22 House, yes.
23 CHAIRMAN SWANSON: Yeah. Michael?
24 VICE CHAIRMAN KAUFMAN: I have a
25

1 question. A couple of days ago, right
2 after the big storm, I was at Caleb
3 Smith Park. And I was discussing with
4 the park director over there -- well,
5 he brought it up to me -- drainage
6 issues from the State Park, and I think
7 it's Willet Pond over there, draining
8 into the County's Park.
9 HON. VILORIA-FISHER: Uh-huh.
10 VICE CHAIRMAN KAUFMAN: And he had
11 gone down to the County's Park, and he
12 said the water levels were extremely
13 high. They were almost overtopping the
14 southwestern berms.
15 He said that there was also a near
16 washout condition by the Mill at
17 Blydenburgh. And he said it was very,
18 very dangerous. He thought that some
19 of the boards were going to collapse.
20 And they would have another blow out
21 like we did -- what was it -- ten,
22 fifteen years ago.
23 MR. MARTIN: Well, actually, we
24 had the problem with the storm, I think
25

1 it was 2005, the October storm.
2 HON. VILORIA-FISHER: Yeah.
3 VICE CHAIRMAN KAUFMAN: Whatever
4 year it was.
5 MR. MARTIN: Yeah.
6 VICE CHAIRMAN KAUFMAN: And he was
7 very, very worried, when he took a look
8 of the condition of some of the boards
9 for the water regulation. And he
10 said -- he was very worried about them
11 possibly breaking and creating some
12 flooding downstream.
13 And he also was concerned about
14 coordination with the County, in terms
15 of lowering water levels and removing
16 boards. He was not sure that it had
17 been done at this particular time.
18 I remember -- I think it was two
19 meetings ago that we discussed that
20 particular issue. And he basically
21 asked me to bring it up today, if Nick
22 had been here, Nick Gibbons.
23 MR. MARTIN: Yeah, Nick Gibbons
24 coordinates that. I didn't hear -- or
25

1 have seen Nick since the storm, so I
2 haven't heard anything about it.
3 VICE CHAIRMAN KAUFMAN: Did it get
4 washed away or anything?
5 MR. MARTIN: I haven't heard any
6 problems occurring. But I will check
7 with him and see that they're
8 monitoring that situation.
9 VICE CHAIRMAN KAUFMAN: It's, it's
10 an issue, because there could be a fair
11 amount of damage to the Historic
12 District. If the berm gets overtopped,
13 if the dam gives way, that could ruin
14 the, the Mill Project, et cetera.
15 It's something that needs to be
16 looked at, because if we're going to be
17 expending money in the near future, as
18 you had informed us, on repairs, you
19 know, and gully washouts like we just
20 had, it could negate all of that work.
21 You can put something in and it can
22 blow out very, very quickly.
23 MR. MARTIN: Yes.
24 VICE CHAIRMAN KAUFMAN: And we've
25

1 got to be careful.
2 MR. MARTIN: I know. I will just
3 check with Nick to see how they're
4 monitoring that.
5 And the long-term plan is to
6 rebuild that culvert by the Mill, but
7 that's not part of the project right
8 now.
9 VICE CHAIRMAN KAUFMAN: Okay.
10 CHAIRMAN SWANSON: Mary Ann?
11 MS. SPENCER: Could you give us a
12 history of the Yaphank Historic
13 District, in 50 words or less -- who,
14 who created it, and what all it
15 includes?
16 MR. MARTIN: There's, there's
17 different layers at that location. And
18 the County Historic District is at the
19 intersection of Yaphank Avenue and Main
20 Street. And that contains the Hawkins
21 House which is run by the Yaphank
22 Historical Society.
23 There's also the gas station on
24 the corner, which is a dedicated --

1 also a dedicated landmark to the County
2 Historic Trust, and that is run by --
3 as part of the Police Museum. That's
4 annexed to the main museum at their
5 main headquarters on Yaphank Avenue.
6 On the east side of Yaphank
7 Avenue, on the corner, we have the
8 Homan House, which we have secured, at
9 this point, capital funding from the
10 County to start that restoration.
11 We also have a, a house that's
12 occupied to provide some on-site
13 security, which is a listed building to
14 our Historic Program. It's not a
15 dedicated building. And we have the
16 booth house that has been moved into
17 the Park, which we're currently
18 restoring at this point.
19 So these (indicating) are both
20 sides of the, the intersection there
21 (indicating).
22 We have a, a 19th Century Historic
23 District, which the Yaphank Historic
24 Society has been getting more involved
25

and will he be running all these properties for us. We do have a contract with them now for the Hawkins House. We have to extend that contract to cover the other side of the street. And also know that the Homan House is on the National Register of Historic Places, as well as the Hawkins House on the other side of the street. So those two buildings are nationally recognized.

The others are dedicated -- that I mentioned -- to the Suffolk County Historic Trust. And all of this property is also with the Town of Brookhaven Historic District, that they designated.

Of course, that's honorary on, on this property that -- since it's County owned, but they, they do have their signage at the -- at this intersection, announcing that this is the beginning of their Historic District.

CHAIRMAN SWANSON: As we move into

1 this review of the EIS and so forth, I
2 guess I'd, I'd like to know a little
3 more about the community. Is it
4 possible that are -- that you could
5 arrange to take those from the CEQ that
6 are interested on sort of a tour of
7 what we're dealing with?
8 MR. MARTIN: Most definitely, we
9 can do that.
10 I don't know what all your
11 thoughts are. We had discussed having
12 a meeting off site. We had talked
13 about having it at the Mills Pond
14 House. But we do have a small
15 conference room at the Police Museum
16 Garage that we've had our committee
17 meetings at.
18 So you have the option I guess --
19 well, we can have a formal meeting
20 there if you wanted to do that, or just
21 to --
22 CHAIRMAN SWANSON: Well, I'd just
23 like to get an -- I, I don't know what
24 the rest of the members want to do, but
25

1 I'd sort of like to get a feel for the
2 place, because one of the things that
3 we didn't mention that was brought up a
4 number of times is that this is a
5 community of, I don't know, of a
6 thousand, fifteen hundred homes.
7 And suddenly, it's going to double
8 or triple the population. And, you
9 know, I think as we review this
10 document, at least, I would be like to
11 be a little bit more familiar with the
12 turf that we're dealing with.
13 MS. SPENCER: So would you
14 prefer to meet in Yaphank in May, as
15 opposed to the Isaac Mills House, and
16 hold off the meeting at Isaac Mills to
17 a later date?
18 CHAIRMAN SWANSON: Well, I'm
19 wondering if it should be done
20 separately because -- but if we go
21 to --
22 MS. SPENCER: Oh, all right.
23 CHAIRMAN SWANSON: -- the meeting,
24 then everybody would want to leave.
25

1 But if people want to actually see the
2 turf we're talking about, it might --
3 MS. SPENCER: Yeah.
4 CHAIRMAN SWANSON: -- ought to be
5 separated --
6 MS. SPENCER: Okay.
7 CHAIRMAN SWANSON: -- from the
8 meeting.
9 MS. SPENCER: We can do that.
10 CHAIRMAN SWANSON: And you know,
11 we've got plenty of time.
12 MS. SPENCER: Right.
13 CHAIRMAN SWANSON: It's not like
14 it's going to be done overnight.
15 (Laughter.)
16 CHAIRMAN SWANSON: And maybe
17 we want to know that -- whether the
18 Legislature is even going to fund an
19 EIS, before we make a commitment to do
20 it.
21 MS. SPENCER: Okay.
22 CHAIRMAN SWANSON: But it's just
23 something I would, I would like to --
24 MS. SPENCER: It's, it's --
25

1 CHAIRMAN SWANSON: -- I have no
2 feeling at all for Yaphank, other than
3 what I've --
4 MS. SPENCER: Okay.
5 CHAIRMAN SWANSON: -- heard --
6 MS. SPENCER: Okay.
7 CHAIRMAN SWANSON: -- and I
8 just -- in reviewing the documents.
9 MS. SPENCER: Well, I think that's
10 a, a marvelous suggestion. And, and
11 the District itself, it is, well --
12 and, and as, as Richard described is --
13 the District itself is, is both
14 interesting and easy to observe. Then
15 going through the community and going
16 to the farm --
17 MS. GROWNEY: Yeah.
18 MS. SPENCER: -- could all be part
19 of that. And I think that that would
20 be a good day.
21 CHAIRMAN SWANSON: Okay.
22 MR. MARTIN: Yeah, I just talked
23 about the Historic District at Main
24 Street in Yaphank. The County Farm,

also the Almshouse Barn at that location is dedicated to the Historic Trust. So you should be aware of that.

MS. SPENCER: It's just a stone's throw.

MR. MARTIN: Not the whole farm property, but the Barn.

MS. SPENCER: The Barn.

CHAIRMAN SWANSON: Okay.

MR. MARTIN: And also, just to mention that the Brookhaven Town Historic District, the County District is the beginning of east end of the District, and then it extends all the way west along Main Street, to the intersection -- I think that's Yaphank Avenue and Middle Island Road.

MS. SPENCER: To the upper lake.

CHAIRMAN SWANSON: So there's two, two historic districts?

MS. SPENCER: Yes.

MR. MARTIN: Yes. The Town Historic District which is much larger --

MS. SPENCER: It's quite large.

MR. MARTIN: -- than the County's, it overlaps at the east end of the District, but then continues. I just wanted you to realize that the town is much larger and encompasses the majority of Main Street.

CHAIRMAN SWANSON: Okay.

MR. BAGG: Larry, also it might be pointed out that some of the comments last night said that -- the people said that the doctor's cottage is historic and they want that reviewed in the EIS in terms of the --

MR. MARTIN: Yeah. The, the doctor's cottage, as Jim is mentioning, is called a -- I call it a bungalow-style home that's next to the -- is it the voters? What's the name of that building?

MR. BAGG: The Board of Election.

HON. VILORIA-FISHER: Board of Elections.

MR. MARTIN: Board of Elections

building -- I'm sorry -- on the north side there.

It has not been reviewed by the Committee. We have never taken a, a look at that building. We have looked at the Potters Field, the cemetery for the Historic Infirmary, that's behind the woodland there (indicating) on the corner.

And in looking at the plans -- and that was brought up at our CEQ meeting in December -- that was identified. And that it's not, you know, to be impacted as part of this development, and preserved. And we did take a look at that. But we never looked at the house specifically.

MR. BAGG: Well, they want the EIS to look at the historic integrity of the doctor's cottage, because that was the first cottage built, you know, for the doctor for the infirmary.

MR. MARTIN: Yeah. I don't know the history of it, to say it.

MR. BAGG: So basically --

MR. MARTIN: There was a children's home on that side of the street. Another large wooden structure, Victorian-era structure, that stood right next to that building, so it could have related to that building.

Again, it's a doctor's use, but that's the, the history of that side of the street. There was more there than what you see now. The woodland there (indicating), there was a large building there.

CHAIRMAN SWANSON: Okay.

So thank you very much, Richard.

HON. VILORIA-FISHER: Mr. Chair, I have a question about that --

CHAIRMAN SWANSON: Yeah.

HON. VILORIA-FISHER: -- and regarding the familiarity with Yaphank as we're going forward. We haven't -- I haven't seen a CAC member from Brookhaven Town sitting with us

1 here for a long time.
2 I'd, I'd would like to request
3 that either you or, or Jim reach out to
4 Brookhaven Town and ask if they have
5 someone, and can they encourage them to
6 come to the meetings. Especially at
7 this juncture, I think there should be
8 someone from Brookhaven Town sitting
9 here.
10 CHAIRMAN SWANSON: And we should
11 talk about that. I think Jim Brown may
12 be no longer.
13 HON. VILORIA-FISHER: Steve Brown?
14 CHAIRMAN SWANSON: Steve Brown.
15 HON. VILORIA-FISHER: Steve Brown,
16 I ran into him somewhere. And I
17 don't -- he said -- and he's kind of in
18 a nebulous area I think, so maybe, you
19 know, as the Chair or, or Jim, as the
20 historic person.
21 CHAIRMAN SWANSON: Jim, can we do
22 that?
23 (No audible response.)
24 CHAIRMAN SWANSON: Uh-huh. Eva,
25

1 yes.

2 MS. GROWNEY: I just want to make

3 one more quick comment.

4 This area is, is, I think maybe

5 the last like little sleepy town area

6 on Long Island. It's, it's so

7 untouched for so long. I think that

8 the protection of it, in every capacity

9 that we can come up with, I think is

10 very critical.

11 And you can correct me Richard,

12 because you know better than I, but

13 it --

14 MR. MARTIN: Well, I think there

15 are other sleepy towns --

16 MS. GROWNEY: Okay.

17 MR. MARTIN: -- in Suffolk County.

18 MS. GROWNEY: But it, but it --

19 it's one of the --

20 MR. MARTIN: But I appreciate your

21 comments --

22 MS. GROWNEY: Yeah.

23 MR. MARTIN: For the center of the

24 island, it's a unique --

25

MS. GROWNEY: Yeah, very --

MR. MARTIN: -- historic district.

MS. GROWNEY: Uh-huh.

MR. MARTIN: And a lot of people don't know that history.

MS. GROWNEY: So, so the whole physical attributes of this, of this little community is so special, from my little experience of it, that I think that the, that the site visit is, is essential.

CHAIRMAN SWANSON: Okay. So thank you very much.

Recommended Type II Actions. Jim, do you want to point out anything in particular, with regard to ratifications?

MR. BAGG: The packet's fairly standard. Most of the actions are Type II Actions, or they have been previously reviewed.

There are some proponents that were issued by the Legislature.

HON. VILORIA-FISHER: Yeah, thank

1 you. I appreciate that.
2 CHAIRMAN SWANSON: Just for the
3 record, Tom Gulbransen, and Gloria, and
4 Dan have all been reapproved as members
5 of the CEQ -- so congratulations,
6 condolences --
7 (Laughter.)
8 VICE CHAIRMAN KAUFMAN: -- serious
9 condolences.
10 (Laughter.)
11 CHAIRMAN SWANSON: You're trapped
12 for five more years. That's what the
13 appointment is.
14 VICE CHAIRMAN KAUFMAN: Yes, five
15 years.
16 CHAIRMAN SWANSON: Okay. Yeah.
17 Any comments or questions on
18 classifications of resolutions?
19 VICE CHAIRMAN KAUFMAN: I make a
20 motion to accept staff recommendations.
21 CHAIRMAN SWANSON: We have a
22 motion to accept staff recommendations.
23 MS. GROWNEY: Second.
24 MS. RUSSO: I second.
25

CHAIRMAN SWANSON: We have a second by Eva.

All in favor, aye.

(WHEREUPON, the members voted.)

CHAIRMAN SWANSON: Opposed?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Motion carries.

Proposed Acquisition for Open Space Preservation, Lake Panamoka County Park Addition.

MS. FISCHER: Good morning, everyone.

CHAIRMAN SWANSON: Good morning. You thought we would never get to you, didn't you?

(Laughter.)

MS. FISCHER: An always interesting discussion.

(Laughter.)

MS. FISCHER: Before you this morning is a, a final acquisition of part of what we had presented to you maybe a month or two previously, of an

area on the east side of Lake Panamoka.

There were four or five properties previously proposed to you and moved forward. This is the last -- sixth and last one on the eastern portion of this area to be acquired. There's a small pond just to the west, that then is associated with the kettle hole pond of Lake Panamoka to the west.

This (indicating) area obviously is within the SGPA -- central Suffolk SGPA area -- not within the core, but very close to the core to the east.

So we're looking for your approval to move this forward.

CHAIRMAN SWANSON: Now, just refresh our memory, the area (indicating) outlined in yellow is what we voted on previously --

MS. FISCHER: Correct --

CHAIRMAN SWANSON: -- and that's before the Legislature.

MS. FISCHER: Uh-huh, yes.

CHAIRMAN SWANSON: Okay. So this

abuts that very nicely.

MS. FISCHER: Yes.

CHAIRMAN SWANSON: Okay.

Do we have any questions?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Okay. A motion?

VICE CHAIRMAN KAUFMAN: Motion, unlisted negative declaration.

CHAIRMAN SWANSON: Second?

MS. GROWNEY: Second.

CHAIRMAN SWANSON: Second by Eva.

All in favor?

(WHEREUPON, the members voted.)

CHAIRMAN SWANSON: Motion carries.

MS. FISCHER: Thank you. That's all I have.

CHAIRMAN SWANSON: Proposed Review of Deepwells Farm County Park Historic Landscape Restoration, Head of the Harbor, Town of Smithtown.

MR. MARTIN: Okay. I'd like to give you some background to this, which

I did include the documentation in the package that was sent to you.

Shortly after the County acquired the Deepwells property, the CEQ reviewed the restoration of the farm field, which is a nine-acre parcel for agricultural farm management use. And there was some interest, at the time, of creating an organic farm at the site. That did not materialize.

We did start the clearing at that time. And if you look at the aerial (indicating) from 2007, you'll see the, the open field that we've maintained. And at that time, we specifically cleared the area on the corner (indicating) of -- it's wrongly identified -- well Harbor Hill Road here, it's also Taylor Lane. Just so you know, the corner of Harbor Hill Road and North Country Road, that area (indicating) was cleared out at that time.

We did not complete the job. And

I'm bringing it forward to you today, to make you aware of our -- what we're interested in doing. And this is more now relating to restoring the scenic vistas that this (indicating) farm field provided at this (indicating) site.

I would like to amend the, the short form a bit. Since I submitted this, the area -- you can tell from the earlier 1928 aerial -- showed the whole farm field cleared. That is not our objective, so I'd like to clarify that.

What we're looking now to do -- and I'll pass this (indicating) around -- to kind of straighten off the tree line on the -- I guess it would be the south side of the property up to 25-A, and clear that to retain the farm field. It's -- the brush is encroaching into the farm field now, and I'd like to restore the, the open farm field.

But the Department is also

1 looking -- which is the amendment to
2 the short form -- to retain a
3 hundred-foot buffer on the Highland
4 Avenue -- along the Highland Avenue
5 property line. So that would be a
6 hundred feet from Highland Avenue
7 itself, and also the rear of the
8 property line of the residences that
9 you see further west, northwest I
10 guess.
11 And this (indicating), you know,
12 is presently vegetated, so we're not
13 looking to clear that out. I didn't
14 make that clear on the form that I
15 submitted.
16 So we're looking to establish, at
17 this point, a hundred-foot buffer zone
18 that historically was not there. But
19 we've done this at many of our historic
20 sites. We don't restore the landscape
21 exactly to the time period. We're
22 restoring the buildings, due to the
23 changes, and also trying to retain an
24 historic view shed and ambiance at the
25

1 site.

2 So with that said, I guess I'll

3 open it for questions.

4 CHAIRMAN SWANSON: Okay. Since

5 I'm a Village Official for the Head of

6 the Harbor, I'm going to recuse myself

7 and let Mike take it from here.

8 VICE CHAIRMAN KAUFMAN: Yeah.

9 Larry is the Deputy Mayor over there.

10 HON. VILORIA-FISHER: Mike, I have

11 a question for you.

12 VICE CHAIRMAN KAUFMAN: Yeah.

13 HON. VILORIA-FISHER: I didn't

14 know if you could see me.

15 VICE CHAIRMAN KAUFMAN: No. Okay.

16 Well, first of all, Rich and I have had

17 some discussions about this, when I saw

18 this particular property. And I'm very

19 happy to see that he's talking about

20 the hundred-foot buffer along the

21 Highland Avenue area. The residence,

22 the residence in that particular area

23 had been somewhat sensitive to

24 clearing.

25

At the same time CEQ, in the past, has supported some of the clearing, to try and retain the farm field in that area.

And what he's talking about -- I know that property very intimately. I live nearby. Larry lives nearby. We've been on it a number of times. A lot of the brush has been encroaching over the year and it's pretty scraggly vegetation.

What the County and what Rich is talking about, again, we supported it in the past. And I think, think, they're trying to be careful about it. I'd love to see the map.

Okay. One question each and then I'll open it up to questions.

I'm seeing a square marked in blue. That's (indicating) going to be taken out or --

MR. MARTIN: Yes.

VICE CHAIRMAN KAUFMAN: Okay. That's what you were trying to take

1 out.

2 All right. Any questions?

3 Legislator Fisher?

4 HON. VILORIA-FISHER: I'm, I'm

5 trying to understand the agricultural

6 use piece.

7 VICE CHAIRMAN KAUFMAN: Uh-huh.

8 HON. VILORIA-FISHER: I don't know

9 whether you know or not, I've been

10 working on a Community Gardens Task

11 Force.

12 MR. MARTIN: I've heard, but I

13 don't know your background to it.

14 HON. VILORIA-FISHER: And actually

15 Pam Green is part of my Task Force,

16 identifying those County holdings where

17 community gardens would be appropriate.

18 So I'm, I'm wondering -- with the

19 language here, it became a little

20 confusing -- it said it had been

21 previously agricultural --

22 MR. MARTIN: There was a proposal

23 earlier on when the County bought the

24 property. There was some interest in

25

1 the community -- not that the County
2 would do it --
3 HON. VILORIA-FISHER: Okay.
4 MR. MARTIN: -- that we would get
5 someone in to do it to --
6 HON. VILORIA-FISHER: And that's
7 what I'm talking about.
8 MR. MARTIN: -- provide a contract
9 in a sense --
10 HON. VILORIA-FISHER: Uh-huh.
11 MR. MARTIN: -- to provide -- an
12 organic farm was actually spoken of --
13 HON. VILORIA-FISHER: Right.
14 MR. MARTIN: -- at the time. But
15 that never materialized.
16 HON. VILORIA-FISHER: Okay. So
17 would a, a proposal for a community
18 garden here(indicating), or some kind
19 of garden here (indicating), be in line
20 with what you're looking at, at this
21 time?
22 MR. MARTIN: Yes.
23 HON. VILORIA-FISHER: Okay.
24 That's, that's really good to know,
25

1 because there are a couple of churches
2 right on the south side of 25-A, who
3 might be interested in participating in
4 a community garden program.
5 MR. MARTIN: Yes. We'd be happy
6 to entertain that idea.
7 HON. VILORIA-FISHER: Okay. Thank
8 you very much.
9 MS. GROWNEY: Is that it?
10 VICE CHAIRMAN KAUFMAN: Any other
11 questions?
12 Mr. Bagg?
13 MR. BAGG: Is this Parks
14 initiated? I mean does this need
15 Legislative approval or funding?
16 MR. MARTIN: It's just Park staff,
17 Maintenance staff. It's, it's very
18 small saplings and brush that we would
19 be just looking to chip on site.
20 MR. BAGG: Okay. Fine. I was
21 just wondering.
22 MR. MARTIN: Right. And I'm just
23 using Parks and Maintenance staff to do
24 the work.
25

VICE CHAIRMAN KAUFMAN:

Mr. Gulbransen?

MR. GULBRANSEN: I'm not sure I understand the difference between an agricultural field and a meadow.

But the DEC has meadows, and they look to maintain those meadows. That's an important kind of habitat. When they do that, they actually have a couple of windows of time when they'll do the mowing, and other windows when they won't touch it, for reasons of birds and habitat use.

How would those kind of considerations be taken for this agricultural --

MR. MARTIN: Well, I don't think the plan here was to restore it as a meadow.

MR. GULBRANSEN: It says grass. I wasn't sure what that means.

MR. MARTIN: Well, it's just lawn grass, for lack of a better term. And the idea was always to keep it as

1 agricultural.

2 It was, for many years, used as a

3 pasture land for horses actually, when

4 Winthrop Taylor owned the property.

5 But the idea that Legislator

6 Fisher has, we'd be definitely open to.

7 And that was the original intent when

8 the County bought the property, to

9 maintain it in some way as a working

10 farm, and, and to use the property as a

11 farmland. It was -- but I would never

12 discuss letting it just be a meadow, in

13 that sense.

14 MR. GULBRANSEN: Okay. When, when

15 you look forward to uses as farm

16 acreage, is there any sense for whether

17 fertilizers and other kinds of growth

18 agents would be able to be used or --

19 MR. MARTIN: Oh, definitely --

20 MR. GULBRANSEN: -- excluded

21 because it's ag..

22 MR. MARTIN: -- definitely.

23 That's been discussed. And that's why

24 we looked at the consequence of an

25

1 organic farm at the site.
2 And the County, as you know, as
3 we're under all these restrictions for
4 what kind of pesticides we can use in
5 parklands. So you know, the farm use
6 would be under those guidelines -- the
7 County -- the existing County
8 guidelines for pesticides.
9 VICE CHAIRMAN KAUFMAN: Eva?
10 MS. GROWNEY: I, I could be wrong
11 about this, but I believe the
12 difference between the, the meadow and
13 the, the agricultural has to do with
14 the soils.
15 But like if I'm wrong about it,
16 I'd like to get some clarification
17 from somebody who does know the answer
18 to that, because I think that's an
19 important factor on a variety of
20 levels -- what Tom's just brought up.
21 MR. MARTIN: I wouldn't know.
22 Like that would a Nick, Nick Gibbons
23 question.
24 MS. GROWNEY: Yeah.
25

VICE CHAIRMAN KAUFMAN: I know a little about it.

MS. GROWNEY: Yeah.

VICE CHAIRMAN KAUFMAN: A meadow is a little more -- what ag. purposes are, obviously ag. purposes -- agricultural.

MS. GROWNEY: And the soils are a factor of that.

VICE CHAIRMAN KAUFMAN: Yes. This is very rich soil.

MS. GROWNEY: Right.

VICE CHAIRMAN KAUFMAN: This has been a farm for a number of years.

MS. GROWNEY: Right.

VICE CHAIRMAN KAUFMAN: And I believe that the nutrient is -- it's pretty, it's pretty good soil. And I don't believe that there have been many chemicals dumped on it. And it hasn't been used as fertilized -- or strike that. It has not been fertilized in many a year.

The meadow that you might be

1 talking about often will be taller
2 grasses and a different type of
3 vegetational assemblage. They're often
4 edge habitats and things like that.
5 That's what Tom, I think, was looking
6 at also.
7 MS. GROWNEY: Uh-huh.
8 VICE CHAIRMAN KAUFMAN: A meadow
9 generally, you know, you allow to grow
10 a foot, two feet, things like that.
11 You know, it provides cover for birds,
12 provides grazing for some of the small
13 animal, deer, things like that.
14 It's never been used that way. I
15 don't think we've had meadows like this
16 in this particular area, in a hundred
17 years. And right now, it's not
18 maintained that way.
19 Again, it would totally be a
20 different assemblage. And it really
21 has nothing to do with landforms or
22 anything like that. You can have rich,
23 environmentally-sensitive lands that
24 are kept as meadows.
25

1 For example, right near my house,
2 the Nature Conservancy owns formerly
3 agricultural land that they have let go
4 into meadows. So you have grasses
5 coming up --
6 MS. GROWNEY: Okay.
7 VICE CHAIRMAN KAUFMAN: -- coming
8 up two, three, four feet.
9 MS. GROWNEY: Okay.
10 VICE CHAIRMAN KAUFMAN: And
11 supports the deer population, et
12 cetera. It's -- just simply, it's a
13 management decision.
14 MS. GROWNEY: Okay.
15 VICE CHAIRMAN KAUFMAN: Over here
16 (indicating), it's been always
17 agricultural. And historically, it's
18 linked to the mansion that's over
19 there, and it's been declared
20 historical.
21 MS. GROWNEY: Okay.
22 VICE CHAIRMAN KAUFMAN: And that's
23 what Rich is trying to, to go towards.
24 MR. GULBRANSEN: But given
25

1 the, the clear agricultural use
2 trajectory --
3 MS. GROWNEY: Yeah.
4 MR. GULBRANSEN: -- I'm not
5 passing judgment on that. I'm just
6 trying to understand.
7 MS. GROWNEY: Yeah.
8 MR. GULBRANSEN: Given that
9 understanding, then I would want to ask
10 that the plan consider more than just a
11 view shed, when it, when it decides
12 which trees and which brush to remove.
13 MS. GROWNEY: Uh-huh, uh-huh.
14 MR. GULBRANSEN: We -- you know,
15 ag. is something that is valued and --
16 MS. GROWNEY: Right.
17 MR. GULBRANSEN: -- when done
18 optimally, then not many issues with
19 runoff, things like that. So this
20 would perhaps be something worth
21 looking at, you know, which way does
22 the surface water flow.
23 MS. GROWNEY: Uh-huh.
24 VICE CHAIRMAN KAUFMAN: That would
25

1 flow over there.
2 MR. GULBRANSEN: That would be the
3 area to buffer more or less? It's --
4 MR. MARTIN: Oh, I see what you're
5 saying.
6 MS. GROWNEY: Uh-huh.
7 MR. GULBRANSEN: It's an
8 interesting --
9 VICE CHAIRMAN KAUFMAN: There's no
10 flow off of there. I know the property
11 pretty well over there. There's no
12 flow off of there.
13 MR. MARTIN: There's no like
14 direct flow, but it is on a slight
15 incline.
16 MR. GULBRANSEN: There's no flow
17 off there, because of the vegetation.
18 MR. MARTIN: No, no, no, no.
19 Don't forget the field --
20 VICE CHAIRMAN KAUFMAN: 25A and
21 Highland are above it.
22 MR. MARTIN: -- the field area
23 right --
24 MR. GULBRANSEN: I'm familiar with
25

1 the lay of the land.
2 (Laughter.)
3 MR. MARTIN: -- the field area
4 right next to it, if you look at the
5 2007 photo (indicating) --
6 MS. GROWNEY: Uh-huh.
7 MR. MARTIN: -- is the same slope
8 as what I'm discussing, and we don't
9 have any problems there. So it's, it's
10 just, you know, continuing that over.
11 And then realize also, we have --
12 it's really an historic farm field. We
13 have a tree line around the whole
14 perimeter of the property, and a
15 hardened roadbed that surrounds the
16 whole property also.
17 And, you know, this has been used,
18 you know, for centuries as an
19 agricultural field. And it's just
20 trying to restore that and, and use it.
21 But it was, it was always an open
22 field, you know, like I said, for
23 hundreds of years. And there were no
24 drainage issues of exactly the type
25

1 you're thinking of.

2 VICE CHAIRMAN KAUFMAN: All right.

3 HON. VILORIA-FISHER: May I just

4 ask Tom and Eva a question --

5 VICE CHAIRMAN KAUFMAN: Legislator

6 Fisher.

7 HON. VILORIA-FISHER: -- because I

8 don't know a lot of these differences

9 that you're talking about. But if, if

10 we can't move forward or we can't use

11 the whole property for these community

12 gardens, there's a very important

13 program that's going on. The Soil and

14 Water District is very involved in

15 this. And that is the, the Native

16 Grasses Program.

17 MS. GROWNEY: Uh-huh.

18 HON. VILORIA-FISHER: And if a

19 portion of this property was used for

20 the Native Grasses Program, would that

21 constitute agricultural, or meadow, or

22 how would you see that, as part of

23 that?

24 VICE CHAIRMAN KAUFMAN: (Shaking

25

1 head.)

2 HON. VILORIA-FISHER: Are you

3 shaking your head? That wouldn't be

4 part of it?

5 VICE CHAIRMAN KAUFMAN: I don't

6 think it falls into either of those,

7 because meadow is not a classification

8 that exists in CEQR or any of the

9 categories that we have. That's just a

10 management style --

11 MS. GROWNEY: But if it is --

12 VICE CHAIRMAN KAUFMAN: -- where

13 ag. is something else. That is an

14 identified use.

15 MS. GROWNEY: But if it is being

16 farmed, which is what I'm kind of

17 taking, that might kind of fall under

18 agriculture.

19 HON. VILORIA-FISHER: Which is

20 developing the native grass --

21 MS. GROWNEY: Yeah.

22 HON. VILORIA-FISHER: --

23 collecting the seeds and --

24 MS. GROWNEY: So that sounds like

25

it would work to me.

VICE CHAIRMAN KAUFMAN: Yeah, it would be a farm use of some sort.

HON. VILORIA-FISHER: Yeah. It would be a farm use.

MS GROWNEY: It would be a farm use.

VICE CHAIRMAN KAUFMAN: I think it could fall under --

HON. VILORIA-FISHER: That's just a note to self.

MS. GROWNEY: Yeah.

HON. VILORIA-FISHER: Thank you.

VICE CHAIRMAN KAUFMAN: Rich?

MR. MARTIN: Yeah.

VICE CHAIRMAN KAUFMAN: One important thing, I don't think that we should try to vote on this today. As you and I had discussed, because this is inside the Head of the Harbor and it is a little bit of a sensitive property. It would be advisable to have a letter sent to the Mayor of Head of the Harbor, informing him of this

1 particular project and possibly
2 soliciting comments, so that the
3 Village feels that it's involved in all
4 of this.
5 The Village, historically, has had
6 concerns about the management and the
7 development of the project. As you
8 know, a couple of years ago, with the
9 park pen that was put in over there for
10 the trucks, that had created a little
11 bit of a problem.
12 MR. MARTIN: I'll just explain
13 that a little bit. What happened --
14 the project Mike's referring to, there
15 was a plume that they were looking to
16 clean up, an Environmental Protection
17 Agency in this area. And they were
18 looking, I think, at the corner of
19 Highland Avenue and North Country Road
20 as a staging site. And CEQ did review
21 it at the time and approved it.
22 And it's starting to come back, so
23 it's hard to see, but there's like a
24 grassland and like a, like a circular
25

1 area that was used for that site
2 (indicating). We did bring crushed
3 stone in at that point. Part of the
4 contract -- it did go forward. Part of
5 the contract was they were allowed to
6 bring the crushed, crushed stone in, as
7 long as they removed it all.
8 There were concerns from the
9 residents after the CEQ approved it,
10 mainly to do with the, the active use
11 of the trucks going there. And there
12 was like a clean-out site, a washing
13 site for their trucks, from this clean
14 up effort that they had in the
15 neighborhood.
16 So that was really the concern of
17 the trucks going up and down their
18 street, their residential street. And
19 they contacted Parks, and the Parks
20 Department then cancelled the contract.
21 When the contract was cancelled the --
22 all the crushed stone was removed, as
23 it was required, so that is growing
24 back now as a field -- and actually now
25

1 would be within the hundred-foot buffer
2 that I mentioned.
3 Also, just a couple other points,
4 if you're in that area, to know are
5 going on with the trees along Highland
6 Avenue. The residents contacted the
7 Parks Departments that there were a lot
8 of dead -- large dead trees along
9 Highland Avenue, which was the historic
10 farmland perimeter plantings of trees.
11 And the Parks Department has trimmed
12 that out, and that was at the
13 residents' request on an emergency
14 basis. They said the limbs were
15 falling, and there's a bus station
16 along that roadway.
17 So we have worked -- and the
18 Village was aware of that. We did work
19 with the Village on that clearing.
20 They also had been contacted on this,
21 so everyone was well aware of that
22 issue.
23 We've also met with New York State
24 Department of Transportation and State
25

1 Assemblyman Steve Englebright, on the
2 tree trimming on the north side -- the
3 northwest side of North Country Road.
4 They had started to take down some of
5 our historic locust trees. Assemblyman
6 Englebright stopped that project and we
7 have met with them on site, to review
8 all their tree-trimming and cutting
9 along the section of North Country Road
10 in front of Deepwells.
11 So that's the another issue that's
12 been going on with the trees at that
13 site. And the Village has been aware
14 of those two projects. But like Mike
15 says, they're not aware of this current
16 clearing project.
17 VICE CHAIRMAN KAUFMAN: Yeah.
18 Tom?
19 MR. GULBRANSEN: You just
20 mentioned the potential need to table
21 this until some kind of official letter
22 is sent out to engage the Village, more
23 with regard to this use, or its
24 acceptability -- consistency with the
25

1 Village. That sounds different than
2 the interaction we have with the
3 villages on other parcels that we've
4 done things to.
5 Yes, I understand that a truck lay
6 down area is substantial different use.
7 And I can see where --
8 MR. MARTIN: And the Village was
9 involved in that process, as you know.
10 MR. GULBRANSEN: -- in regard --
11 in this case, it's -- it doesn't sound
12 like it's such a departure. But before
13 we defer, I just want to understand,
14 are you, are you, Richard, are you
15 comfortable that the Village has not
16 yet been engaged enough to make this
17 plan the best it can, can be.
18 MR. MARTIN: I don't have a
19 problem with approaching the Village.
20 We've -- all the other work we've done
21 on site, they've been aware of.
22 In fact, the, the truck location
23 was suggested by the Village and by the
24 Mayor. So as -- because they didn't
25

1 want to do it on the Village property.
2 (Laughter.)
3 MR. MARTIN: So they approached
4 the County, can we please do it on our
5 property, because it was within the
6 Head of the Harbor -- this project.
7 And, and we brought it to the CEQ, and
8 the County was looking to accommodate
9 the Village. So we have, you know,
10 coordinated our efforts in the area.
11 MR. GULBRANSEN: And for this
12 proposed adjustment to the property,
13 you have not yet done that, so --
14 MR. MARTIN: No.
15 VICE CHAIRMAN KAUFMAN: Tom, to
16 put it bluntly, the right word for it
17 is politic, to at least inform the
18 Village officially that this is going
19 to be going forward, as the safest
20 course of action to avoid any problems.
21 MR. GULBRANSEN: I was just simply
22 trying to understand, had we done that
23 a little bit, had we chose not to do to
24 that yet --
25

MR. MARTIN: Not as the specific process.

MR. GULBRANSEN: And so the answer is we haven't done it yet.

MR. MARTIN: No.

MR. GULBRANSEN: And this is the next step.

VICE CHAIRMAN KAUFMAN: Mary Ann?

MS. SPENCER: If it -- is time of the essence here? When is this work planned?

MR. MARTIN: Yes. Well we're trying to get it done in the spring, so we could put grass seed down and get the lawn established. So that's the --

MS. SPENCER: Uh-huh.

MR. MARTIN: -- the timeframe.

MS. SPENCER: In that case, I would like to echo what Tom just said. This is unprecedented. It may be politic, and we have two members of the CEQ who live in that community -- one of whom has recused himself. You also live there.

VICE CHAIRMAN KAUFMAN: I'm in Nissequogue.

MS. SPENCER: Right, that's contiguous. I really think we should just really move forward on this, and that's my opinion.

VICE CHAIRMAN KAUFMAN: Mr. Bagg?

MR. BAGG: Well, you can also request that, you know, as part of your review, that the Parks Department will touch base with the Village, and get their input for the project before proceeding --

MS. SPENCER: Uh-huh.

MR. BAGG: -- because I mean basically, the real question before you is, what is the environmental impact for taking out the brush and the trees from a former field, and turning it into its former status. I mean that's what's before you -- not whether the Village approves or not.

MS. SPENCER: Right.

VICE CHAIRMAN KAUFMAN: No, I was

1 not talking about giving them approval.
2 It's just this has been an interesting
3 situation over the years. And
4 discretion being the better part of
5 valor, I was --
6 MR. MARTIN: Mike, should we
7 mention, just so people know, what the
8 guidelines for the buffer zone --
9 VICE CHAIRMAN KAUFMAN: Yes.
10 MR. MARTIN: -- within the Head of
11 the Harbor is?
12 VICE CHAIRMAN KAUFMAN: The Head
13 of the Harbor has recently amended its
14 tree laws, and that's one of the things
15 that Rich and I have been discussing on
16 this particular project. And they've
17 decreased the buffers along the roads,
18 so we're trying to make sure that the
19 actions do not violate those particular
20 laws, because they do apply in this, in
21 this particular situation.
22 The County's property is subject,
23 to some degree, to the Village's
24 regulations. And I think --
25

MR. MARTIN: Is that true?

VICE CHAIRMAN KAUFMAN: Yeah. This is under the Monroe Rochester situation, with the case law that was developed. This is not a primary function, wherein the superior form of government, the County, is allowed to conduct its actions in isolation. Ancillary functions of the higher form of government, in this particular situation, most likely would be subject to the individual municipality's regulations.

But again, the hundred-foot buffer is more than double what we're talking about.

MS. SPENCER: Yeah.

MR. MARTIN: Well, can you state, what is the Head of the Harbor's guidelines for the buffer?

VICE CHAIRMAN KAUFMAN: 25 or 50?

CHAIRMAN SWANSON: 25.

VICE CHAIRMAN KAUFMAN: 25, so we're --

MS. SPENCER: And this is a hundred.

VICE CHAIRMAN KAUFMAN: Yeah. So I'm not worried about it.

MS. SPENCER: Yeah.

MS. GROWNEY: So it's --

VICE CHAIRMAN KAUFMAN: Yeah.

MR. GULBRANSEN: A hundred feet, when you mentioned a hundred feet on the west side, to the adjoining side --

MR. MARTIN: Right. From the Highland Avenue --

MR. GULBRANSEN: -- but we're going for a vista. I would presume that means a vista from some road.

Is, is the local ordinance seeking a 25-foot vegetated strip, which would be the opposite of the vista.

MR. MARTIN: The Parks Department is proposing a hundred-foot buffer, along the Highland Avenue property line behind the residences.

But at the 25A side, no. I think the 25-foot buffer, we could

accommodate. That would include the tree, the line of trees along 25-A. And also if you notice right inside that (indicating) line, you see kind of a whitish line (indicating), that's the roadway which I was talking about, which is completely cleared of any brush, and is used as a jogging trail by the community.

And I'd also like to state that I'd like to maintain that historic farm road that goes around the perimeter of the farm field. And it is used -- the community has actually asked us to keep that cleared, because it's used as a jogging trail for the community. People come in off Highland Avenue and jog along that, and, of course, enter the field for jogging purposes.

So I think they would be happy, you know, that we would maintain that road bed and that's an historic feature. And that would bring us to the 25-foot buffer that the Village

1 requires.

2 MR. GULBRANSEN: And that 25-foot

3 buffer, given the relatively flat

4 topography, would probably be

5 sufficient to handle any runoff that

6 might or might not happen. So that's

7 great to --

8 MR. MARTIN: Yeah. Well, that's,

9 in a sense, what I was explaining

10 before, how historically, the land's

11 been pounded down really, along that

12 roadway. And so any of the runoff

13 issues have been worked out over time,

14 on this -- at this site, on this

15 property.

16 VICE CHAIRMAN KAUFMAN: All right.

17 I think the issues are pretty clear.

18 Jim has suggested that if the

19 Council approves, that we go forward

20 with this, and at the same time, the

21 Head of the Harbor Mayor be informed of

22 this, and his input be solicited on

23 this. That is -- I think that meets

24 the purposes of the Council on this

25

1 particular project.
2 So Jim, do you have any further
3 comments on the procedure?
4 MR. BAGG: That's all.
5 VICE CHAIRMAN KAUFMAN: If anyone
6 wants to make a motion --
7 MR. BAGG: You have to make a
8 recommendation, you know, in terms of
9 under CEQR. What is the classification
10 and proposal, and what is the
11 determination?
12 VICE CHAIRMAN KAUFMAN: This would
13 be unlisted. If anyone wants to make a
14 motion.
15 MS. RUSSO: Right. I'll make a
16 motion that this is an unlisted
17 negative declaration, and that the
18 County, and the Parks Department have
19 to notify the Mayor of Head of the
20 Harbor of their actions and what we're
21 doing.
22 HON. VILORIA-FISHER: Second.
23 VICE CHAIRMAN KAUFMAN: Okay.
24 Second by Legislator Fisher.

Yeah, comment?

MR. GULBRANSEN: Yeah, just a question. The result in action will be clearing, to develop the land for agricultural use, whether it's by the community or a church group. That is --

VICE CHAIRMAN KAUFMAN: In clearing --

MR. GULBRANSEN: -- development of, development of a sort. Is that actually unlisted?

VICE CHAIRMAN KAUFMAN: Yeah, that would be unlisted.

MR. GULBRANSEN: It is.

VICE CHAIRMAN KAUFMAN: You don't have a building in there. It's not a Type I. It doesn't hit any of the Type I practices.

MR. BAGG: Farming practices, farming practices are exempt from CEQR.

MR. GULBRANSEN: It's an exemption --

MR. BAGG: But I mean clearing the

land --

MS. GROWNEY: That's all we're talking about --

MR. BAGG: -- is clearly a CEQRable action.

MS. GROWNEY: -- is clearing. We're not talking about the development.

VICE CHAIRMAN KAUFMAN: That's unlisted, right.

MR. BAGG: The ultimate use is for the --

MS. GROWNEY: Another thing --

MR. BAGG: -- lawn or farm and that's exempt.

MS. GROWNEY: Yeah, that's separate.

MR. MARTIN: And just to be clear, there's no plan at all to have any structures on this property.

We do have our sheds, and, you know, the buildings around the, the Deepwells Farm House that could be used if we need to store rakes or things

like that.

VICE CHAIRMAN KAUFMAN: All right. I'm going to call the vote.

All in favor?

(WHEREUPON, the members voted.)

VICE CHAIRMAN KAUFMAN: All opposed?

(WHEREUPON, there was no response.)

VICE CHAIRMAN KAUFMAN: I will be abstaining.

And just again, let the record reflect that, that Chairman Swanson has recused.

Okay. The motion passes.

CHAIRMAN SWANSON: Okay.

Proposed Inspection Improvements to County Road 31 at County Road 104 Roundabout, in the Town of Southampton.

MR. MACKEY: Good morning.

CHAIRMAN SWANSON: Good morning.

MS. GROWNEY: Good morning.

MR. MACKEY: I'm Russ Mackey. I'm from the Suffolk County DPW, Consultant

Management Division. I'm a senior civil engineer with a p.e. license.

Today, I have with us, as the County's consultant, Ron Hill from Dunn Engineering, who will further explain the project.

MR. HILL: Good morning.

I passed around some photos that just replicate these, these pictures here (indicating).

Our project -- intersection improvement project is primarily based on safety concerns. There's no congestion at this intersection as we see it today, or in the near future. But what we've had some, some accident-related problems, particularly at this (indicating) intersection -- where southbound traffic and northbound traffic -- this (indicating) is County Road 31 into Westhampton Beach, 104 into Quogue, and County Road 104 into Riverhead.

The northbound traffic and the

1 southbound traffic have had some
2 accident problems. We feel that it's,
3 it's primarily related to people that
4 are not signaling their intentions.
5 And the bulk of the traffic swings out
6 to the south here (indicating), and
7 these people unfortunately don't get
8 the right indication.
9 This (indicating) intersection is
10 actually three intersections all
11 controlled by stop signs. Our proposed
12 project is to put in a roundabout,
13 which will passively control the
14 traffic and slow it down.
15 The intersection itself is, as you
16 can see, is, is isolated. It's located
17 in the, in the Pine Barrens area. And
18 we will put a roundabout in. This
19 (indicating) red is raised, stamped
20 concrete or, or asphalt. So it's --
21 these (indicating) are channelizing
22 islands. There will be an apron around
23 here (indicating) that would allow
24 trucks to get through the intersection.
25

But the center of the circle we will be vegetated and we will bring considerable vegetation -- more vegetation in on this (indicating) side, this (indicating) green and this side here (indicating). Also, I believe actually we're increasing the amount of vegetation with this project and decreasing the amount of asphalt.

Now, there is currently no drainage. Everything is, is in the intersection. Everything just runs off the road and into the side, into the property around it. We will put in leaching basins to recharge, which will help the vegetation along the sides of the road. This will be containing.

I don't know if you have any questions. It's a relatively straight-forward project.

We had an option about putting in a traffic signal here (indicating), but we rejected that. That requires energy, it requires traffic signals.

1 And in this case, when you get
2 down to a signal versus a roundabout,
3 the information we have is that the
4 roundabout is safer -- results in less
5 accidents. And that's why it was
6 chosen --
7 CHAIRMAN SWANSON: What's the
8 diameter of the roundabout?
9 MR. HILL: Excuse me?
10 CHAIRMAN SWANSON: What is the
11 diameter of the roundabout?
12 MR. HILL: I believe the outside
13 is about a hundred foot and that's
14 about a ten-foot apron on there
15 (indicating).
16 MR. MACKEY: They, they use
17 computer-generated turning templates,
18 just to make sure that all the vehicles
19 can make the appropriate turns.
20 CHAIRMAN SWANSON: So our big fire
21 trucks and stuff will --
22 MR. MACKEY: That's why -- if you
23 see this (indicating) inner red here --
24 CHAIRMAN SWANSON: Yeah.
25

MR. MACKEY: -- that's a truck apron. And on the outside is mountable curbs that they can -- if, you know, if say, for instance, a big truck, it could still go around without keeping the, the inner diameter circle small enough where cars can just go right through.

MR. HILL: Your fire truck would probably go around without getting on that (indicating) apron. The trucks that would have a little more problem are the large tractor-trailers. And that's what that (indicating) apron is for.

CHAIRMAN SWANSON: Eva?

MS. GROWNEY: From my knowledge, driving on this area, it's a great road for cycling, because it's not highly trafficked.

MR. HILL: Correct.

MS. GROWNEY: What accommodations are being made for cyclists?

MR. MACKEY: The way -- just like

1 any other roundabout works is that they
2 would come up here (indicating) at the
3 ramps. They take them along the
4 sidewalk, and they can go through the
5 pedestrian areas, and go across.
6 That's the -- this is according to the
7 federal standards --
8 MS. GROWNEY: Uh-huh.
9 MR. MACKEY: -- as to how
10 bicyclists navigate a roundabout.
11 MS. GROWNEY: Uh-huh, uh-huh.
12 And so it's -- those are
13 relatively level also, for pedestrians
14 to walk those? I mean there's curb
15 cuts and all that kind of stuff there
16 (indicating)?
17 MR. MACKEY: Yes.
18 MR. HILL: Yes.
19 MS. GROWNEY: Okay.
20 MR. HILL: And those ramps have to
21 be one on twelve, so that's --
22 MS. GROWNEY: Uh-huh.
23 MR. HILL: -- fairly flat. It has
24 to be accommodated for the handicapped.
25

MS. GROWNEY: Right.

CHAIRMAN SWANSON: Jim, then Vivian.

MR. BAGG: I have a question. What does it cost the County a year to run a traffic light?

MR. MACKEY: I do not have that information. But to my knowledge, I believe we actually pass off maintenance of the traffic signals to the towns.

MR. HILL: That's correct. The towns maintain it and pay for the energy.

MR. BAGG: But, but still, I mean when you install a traffic light, it does use energy. And in this (indicating) particular thing does not use any --

MR. MACKEY: Yes. I -- to be honest with you, I don't know how the, the agreement between -- probably the towns and the electric companies go. I, I have no idea.

MR. HILL: If I remember the pricing, it probably is in the range of twenty-five hundred to three thousand dollars a year. I think that may have come down now, since we're using LED signal heads, which reduce the energy costs. That was the, that was the big utility expense. Maintaining a signal is probably about $1,500 a year.

CHAIRMAN SWANSON: Vivian.

HON. VILORIA-FISHER: With regards to the vegetation, I'm, I'm assuming all of the vegetation, vegetation will take into account that we have, you know, an invasive species list. And sometimes we look for vegetation that doesn't require a lot of maintenance, and sometimes that winds up being very aggressive vegetation. So we want to make sure it's not.

MR. MACKEY: And obviously, it has to be salt tolerant as well. But usually, we usually just put grasses in. We'll see about the center main

island because, again, it's federal standards, as far as what you can put in there. And for -- you want some sight to go around, but yet you don't want to, you know, block the straight through. But again, you don't want to block -- you know, you want to be able to see merging distance.

HON. VILORIA-FISHER: I was thinking more in terms of the vegetation that we'll be putting along the edges.

MR. HILL: We'll try and keep it native to the area. They would certainly stay away from an invasive species. There's no water up here, so it's going to have to be drought resistant.

HON. VILORIA-FISHER: Uh-huh.

MR. HILL: There's a lot of sand --

HON. VILORIA-FISHER: Uh-huh. Right.

MR. HILL: -- underneath it, so it

1 will have to be very tough.
2 CHAIRMAN SWANSON: Eva?
3 MS. GROWNEY: Has, has there been
4 an analysis done between putting -- the
5 construction aspect of it, not the
6 maintenance aspect of it -- of this
7 solution versus the light solution, or
8 do you have a general idea of how --
9 what the difference is?
10 MR. MACKEY: Cost, cost-wise?
11 MS. GROWNEY: Yeah.
12 MR. MACKEY: Cost-wise, generally
13 from what we've seen coming through --
14 MS. GROWNEY: Yeah.
15 MR. MACKEY: -- I would
16 probably -- I would have to say this is
17 probably the cheaper one, due to the
18 steel signal poles, the light, you
19 know, the, the copper wiring and so
20 forth.
21 MS. GROWNEY: Uh-huh.
22 MR. MACKEY: So this is, you know,
23 expense-wise, a little cheaper. A lot
24 of times though, a little higher on
25

1 this is the maintenance of traffic,
2 when you're trying to build one of
3 these -- is just slightly higher, is,
4 you know, maintaining safety through
5 there.
6 MS. GROWNEY: When you're building
7 it you're saying?
8 MR. MACKEY: Yes, when you're
9 building it --
10 MS. GROWNEY: Okay. So it, it
11 might be a wash in terms of --
12 MR. MACKEY: -- because obviously,
13 you know, you're affecting traffic
14 pattern.
15 MS. GROWNEY: Right.
16 MR. MACKEY: You have to shift
17 them left and right. And, and that's
18 the aspect that's a little bit higher
19 than --
20 MR. HILL: Yeah. That
21 intersection, to clean that up and put
22 a traffic signal in, we'd really have
23 to -- what we want to do is come up and
24 bend this (indicating) probably
25

following this one (indicating), and take that (indicating) out almost entirely, and put that signal in here (indicating). Sight distance is a little bit of an issue for the signal, because of the curb.

MS. GROWNEY: Uh-huh.

MR. MACKEY: And a traffic signal has more, more conflict points than a roundabout, which is, you know, a potential accident location.

MS. GROWNEY: Uh-huh.

MR. MACKEY: So that's why, you know -- and generally roundabouts are a safer alternative to traffic signals.

MS. GROWNEY: Uh-huh.

CHAIRMAN SWANSON: Michael?

VICE CHAIRMAN KAUFMAN: For whatever it's worth, this (indicating) is an isolated area --

MS. GROWNEY: Yes.

VICE CHAIRMAN KAUFMAN: -- and I think a roundabout, just in terms of safety --

1 MS. GROWNEY: Uh-huh.
2 VICE CHAIRMAN KAUFMAN: -- is a
3 better way of going about it. And
4 frankly, it's also more carbon
5 neutral --
6 MS. GROWNEY: Yeah.
7 VICE CHAIRMAN KAUFMAN: -- you
8 know. If you have to stop and start,
9 you're going to be expending more
10 carbon than just doing a roundabout,
11 even if you get trapped going around
12 and around.
13 It's still -- it's more rural.
14 MS. GROWNEY: Uh-huh.
15 VICE CHAIRMAN KAUFMAN: It's the
16 way it used to be, in terms of
17 development around here (indicating).
18 If you look at old road maps --
19 MS. GROWNEY: Uh-huh.
20 VICE CHAIRMAN KAUFMAN: -- this is
21 part of the historic type of design
22 feature, more than anything else.
23 So I think it's very appropriate
24 to put a roundabout in there
25

1 (indicating), as opposed to a traffic
2 light.
3 MS. GROWNEY: Uh-huh.
4 VICE CHAIRMAN KAUFMAN: And I
5 think frankly that the design would --
6 the roundabout seems to be the, the new
7 wave, if you will --
8 CHAIRMAN SWANSON: Gloria?
9 VICE CHAIRMAN KAUFMAN: -- of
10 control.
11 MS. RUSSO: I just want to add, I
12 do drive through this intersection very
13 regularly. And at night, especially
14 when you're coming north from Route 31,
15 and you want to go then left to 104,
16 you have to stop there. And it's
17 almost a blind curve --
18 CHAIRMAN SWANSON: Yeah.
19 MS. GROWNEY: Uh-huh.
20 MS. RUSSO: -- to look to your
21 east, and it can be very dangerous.
22 And I think this is a very
23 positive thing to do because that
24 intersection is just, I feel, is very
25

1 dangerous at night.
2 MR. HILL: Yeah. It is, it is one
3 of Southampton's more dangerous
4 intersections. But as, as I, I said
5 before, the problem seems to be the
6 southbound and the northbound.
7 MS. GROWNEY: Uh-huh.
8 CHAIRMAN SWANSON: Can we have a
9 motion?
10 MS. RUSSO: I'll make a motion.
11 CHAIRMAN SWANSON: We have a
12 motion by Gloria, and second by Eva.
13 MS. GROWNEY: Second.
14 CHAIRMAN SWANSON: All in favor?
15 (WHEREUPON, the members voted.)
16 CHAIRMAN SWANSON: Opposed?
17 (WHEREUPON, there was no
18 response.)
19 CHAIRMAN SWANSON: Motion carries.
20 MR. BAGG: Who's the second on
21 that?
22 CHAIRMAN SWANSON: Eva.
23 MS. SPENCER: Eva.
24 CHAIRMAN SWANSON: Now, we
25

have Proposed Construction of Sidewalks on County Road 76, and CP 5497 in the Town of Islip. And this is what we have -- a, a letter of blessing from the Town of Islip on this project. It's in your packet.

MR. MACKEY: Okay. This is pretty straight forward. One, we're going to be constructing sidewalks on the south side. If you look at -- I believe it's the same thing as in your packets, the same photo.

The purple line (indicating) is what we propose to build, the yellow (indicating) is the existing sidewalk that is currently out there. There is a traffic signal at Southern Boulevard here (indicating). And there's an existing sidewalk, which leads all the way down to Terry road, which is CR16 in this area. So we're connecting from one traffic signal to another.

The amount of land that will be potentially effected is .344 acres.

1 And we will be installing -- because
2 we're going to be curbing the road for
3 the sidewalk, we will be installing
4 leaching basins where appropriate.
5 CHAIRMAN SWANSON: Okay. Any
6 questions?
7 (WHEREUPON, there was no
8 response.)
9 CHAIRMAN SWANSON: Then, can we
10 have a motion? Can we have a motion?
11 MS. RUSSO: I'll make a motion --
12 MS. GROWNEY: Second.
13 MS. RUSSO: -- unlisted negative
14 declaration.
15 CHAIRMAN SWANSON: And a second by
16 Eva.
17 Any further discussion?
18 (WHEREUPON, there was no
19 response.)
20 CHAIRMAN SWANSON: All in favor?
21 (WHEREUPON, the members voted.)
22 CHAIRMAN SWANSON: Opposed?
23 (WHEREUPON, there was no
24 response.)
25

CHAIRMAN SWANSON: Motion carries.

Thank you.

Nick isn't here, so we don't have anything from Suffolk County Parks.

Any other business?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: No CAC concerns.

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: I'm concerned, Joy has not been here the last two meetings. Can we find out if she's okay?

HON. VILORIA-FISHER: Joy Squires hasn't been here for the last two meetings.

CHAIRMAN SWANSON: So there's no other business. Then do we have a motion to adjourn?

VICE CHAIRMAN KAUFMAN: Motion to adjourn.

MS. GROWNEY: Second motion to

1 adjourn.

2 CHAIRMAN SWANSON: Motion seconded

3 by Eva.

4 And we'll see you.

5 Thank you.

6 (WHEREUPON, the meeting of the

7 Suffolk County Council on Environmental

8 Control adjourned at 10:58 a.m.)

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C E R T I F I C A T E

I, STEPHANIE J. VALDER, a Shorthand Reporter and Notary Public of the State of New York, do hereby certify:

That the foregoing is a true and accurate transcription of the stenographic notes taken herein.

I further certify that I am not related to any of the parties to this action by blood or 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 24th day of March, 2010.

Stephanie Valder

STEPHANIE J. VALDER