ORIGINAL

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2 DEPARTMENT OF PLANNING

3 COUNCIL ON ENVIRONMENTAL QUALITY

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6 August 18, 2010
9:30 a.m.

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

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14 B E F O R E:

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16 R. Lawrence Swanson, Chairperson

17 Michael Kaufman, Vice Chairperson

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Reported by,
23 Melissa Powell

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

2 James Bagg, Suffolk County Planning Department

3 Mike Mule, Suffolk County Planning Department

4

5 Richard Martin, Historic Society

6 Richard Machtay

7 Gloria R. Russo

8 Mary Ann Spencer

9 Daniel Pichney

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11

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

13 Joe Montuori, Parks Commissioner

14 Janis Jijina, Cameron Engineering

15 Ali Nazir, Legislator Kennedy's Office

16 Lauretta Fischer, Suffolk County Dept. of Planning

17 Bob Kessler, Resident

18 Audrey Kessler, Resident

19 John Mc Connell, Resident

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1 MR. CHAIRMAN: I would like to call
2 the meeting to order. Welcome to
3 everybody and a quick hello to those
4 that are in the audience.
5 Anybody get a chance to look at the
6 minutes that were posted?
7 MR. MACHTAY: I did.
8 MR. CHAIRMAN: Pardon?
9 MR. MACHTAY: I did. I believe I
10 read through May's and I sent comments
11 to Christine.
12 MS. DE SALVO: Yes, I received
13 them.
14 MR. MACHTAY: Also, April's and
15 June's, I sent comments on those --
16 whether they were closing comments or
17 not, that's besides the point, but I did
18 send comments in and I will move those
19 -- the one set of minutes, I can't move
20 because I was not here; right?
21 MR. CHAIRMAN: Which one?
22 MS. DE SALVO: Was it May maybe?
23 You sent comments for April and June.
24 MR. MACHTAY: I read April's and I
25 read June's. As for May, I was at the

1 meeting.
2 MR. CHAIRMAN: So we have a motion
3 to accept the minutes of the April and
4 June meetings.
5 MS. RUSSO: I will second the
6 motion.
7 MR. CHAIRMAN: Seconded by Gloria
8 Russo.
9 Any further discussions on those
10 minutes?
11 (WHEREUPON, there was no response.)
12 MR. CHAIRMAN: All in favor?
13 (WHEREUPON, the Council voted.)
14 MR. CHAIRMAN: All opposed?
15 (WHEREUPON, there was no response
16 by the Council.)
17 MR. CHAIRMAN: Motion carries.
18 Any comments on the May minutes?
19 (WHEREUPON, there was no response
20 from the Council.)
21 MR CHAIRMAN: I will hold those in
22 abeyance.
23 Correspondence? We have several
24 letters that I have asked Michael if he
25 will introduce those comments.

1 MR. MULE: First of all, we
2 received a letter from Legislator
3 Kennedy requesting the May and June CEQ
4 minutes. Christine sent them out last
5 week, I believe, so Legislator Kennedy
6 has those. She also sent a letter to
7 Larry just informing the Council of his
8 letter of intent requesting federal
9 funding assistance for the Northeast
10 Branch Stormwater Remediation Project
11 which is pre-disaster and flood
12 mitigation assistance money, and he will
13 just keep us informed on how that
14 develops.
15 Larry just showed me a letter from
16 Jim Tripp, and it's in relation to the
17 Legacy Village scoping document, which
18 we will touch on, such as his concerns
19 on that agenda item.
20 MR. CHAIRMAN: Thank you, Michael.
21 Any other correspondence?
22 MR. MULE: Not that I have in front
23 of me.
24 MR. CHAIRMAN: Historic Trust?
25 MR. MARTIN: The first thing I

1 would like to do is introduce everybody
2 to the new Parks Commissioner, Joe
3 Montuori.
4 MR. CHAIRMAN: Thank you for
5 coming.
6 MR. MARTIN: We have taken a number
7 of field trips out there showing the
8 Commissioner around to all the historic
9 sites.
10 MR. MONTUORI: I just want to say
11 hello to everybody. Also, I may
12 occasionally be stopping in at your
13 meetings. I just want to say that Rich
14 does a fantastic job.
15 MR. KAUFMAN: You're always
16 welcome.
17 MR. MARTIN: The housing program
18 that I mentioned last time that we had
19 an open house. We're trying to get
20 seven vacancies rented within one of our
21 historical buildings. We were very
22 successful with that. Five of the
23 residents have been rented from that
24 list. We still have two vacancies which
25 are the two houses in West Hills County

1 Park -- the Simpson House and the Oakley
2 House. We still have people calling on
3 those sites, but we are not able to rent
4 them with the open house that we held.
5 MR. KAUFMAN: Rich?
6 MR. MARTIN: Yes.
7 MR. KAUFMAN: On the Simpson House,
8 I assume that you're giving them budget
9 details on the how they generally
10 operate in terms of fuel and
11 electricity; correct?
12 MR. MARTIN: Yes, we are and that
13 was one of the problems.
14 So, I'll probably be suggesting, if
15 we don't get an interest, to the
16 committee that reviews these rentals
17 that they meet again so we can see what
18 we might need to do to get these rented.
19 MR. KAUFMAN: One of the problems
20 with the Simpson House is that there is
21 no installation in there. I think I've
22 asked you this a couple of years ago, I
23 don't remember, but is there anyway to
24 remediate that particular property
25 without destroying its historic

1 integrity?
2 MR. MARTIN: We talked about
3 putting insulation in the attic which we
4 haven't done but that could be done
5 without a problem -- that probably
6 should be done. Otherwise, yes, to put
7 in a wall would be difficult. It's an
8 early timber-frame home and to rip that
9 apart to add insulation, as I said,
10 would be too much damage to it.
11 MR. KAUFMAN: There is no way to --
12 with the foam insulation, there are some
13 technics where they can punch small
14 holes in and that would destroy the
15 plaster.
16 MR. MARTIN: Yes, and it's not
17 recommended. You don't get an even
18 distribution of the insulation, and it
19 doesn't allow the building to breathe,
20 therefore, that's really not recommended
21 at this point.
22 MR. KAUFMAN: The windows also --
23 can they be replaced?
24 MR. MARTIN: They can't be
25 replaced, but we could add storm windows

1 -- better storm windows to the building.
2 That can be done.
3 MR. KAUFMAN: Okay, good. Thank
4 you.
5 MR. MARTIN: With our custodial
6 agreement, I just wanted to point out
7 that people who get Newsday, we had a
8 article that identified many of the
9 friends groups that we have at our
10 historic site. There is 15 on this
11 list. They did miss the Van Bourgondien
12 House in Babylon. This did cover a lot
13 of them in Suffolk County. I just
14 wanted to make people aware that these
15 are all at our historic sites, and we
16 have agreements -- we are working on
17 agreements with these groups. Right
18 now, we're still working on about seven
19 agreements. They're at different stages
20 of either being signed by the groups or
21 still in the works. I will just run
22 through them quickly:
23 At Coindre Hall, the boathouse
24 contract has been signed with the Town
25 of Huntington. The gym contract with

1 the Town of Huntington has not yet been
2 signed yet. The North Fork Audubon
3 Society, which is out at the Red House
4 at Inlet Pond County Park, is not signed
5 yet. The Great South Bay Audubon
6 Society which is at the Brooksite County
7 Park in Sayville is signed.
8 Commerdinger House which is -- the
9 contract is going forward with the
10 Commerdinger Historic Society, and the
11 group has signed a contract. The Cedar
12 Point Lighthouse contract is in the
13 works right now and that will be with
14 the Long Island Chapter of the U.S.
15 Lighthouse Society and the Splashes of
16 Hope Contract, again, at Coindre Hall is
17 being worked on. Hubbard County Park --
18 at the Smither's Property, the Duck's
19 Unlimited contract is now being
20 processed.
21 So those are all the groups that
22 we're working on now. Sometimes, of
23 course, when these preexisting groups
24 that we work with -- well, in a number
25 of years when their contracts expire, we

1 do have to work up a new contract also.
2 MR. CHAIRMAN: Is the Cedar Point
3 Lighthouse accessible now?
4 MR. MARTIN: You can walk there but
5 the building itself, you can't enter.
6 MR. CHAIRMAN: Eventually one will
7 be able to enter?
8 MR. MARTIN: Yes. We're not sure
9 if it will be a completely restored
10 lighthouse. The interior had a fire, so
11 it's really just a shell of a building.
12 There is two approaches that we're
13 looking at. We're looking to either
14 restore the interior completely or to
15 build a platform with a staircase that
16 you can still climb the building and get
17 a view out of the top. It really
18 depends on the fundraising success of
19 the group.
20 MR. CHAIRMAN: Thank you.
21 MR. MARTIN: That's all I have. I
22 will turn it over to Maryann to discuss
23 the Historic Trust manual.
24 MS. SPENCER: You have in your
25 packet a draft -- the revisions to the

1 Suffolk County Historic Trust Manual.
2 The Trust Committee and Jim Bagg
3 and Richard Martin have been working on
4 this for over a year. When it is
5 completed -- when it's approved, it will
6 be available online for members of this
7 Committee and anyone else who needs to
8 refer to the standards, guidelines, and
9 any other information contained in this
10 manual. There's a map that you -- did
11 everyone get -- there would be a map
12 included, as well. Once this is
13 approved, it will be put in physical
14 final form for members of the CEQ and
15 the Historic Trust Committee.
16 At this point, I would like to do
17 two things. It is my recommendation
18 that we adopt this manual this morning.
19 Before we do that, I want Jim and
20 Richard to explain, in other words, some
21 work that has gone into the revision. I
22 do feel that -- I understand that it was
23 just put in your packets this morning,
24 and you haven't seen it but the document
25 is basically a document that has been

1 worked on by the Committee and any
2 suggestions or corrections, of course,
3 we would all take into account, but I
4 think this is ready for adoption.
5 That's my personal opinion.
6 Jim?
7 MR. MACHTAY: Can I ask a question,
8 Maryann?
9 MS. SPENCER: Yes.
10 MR. MACHTAY: How do we know what
11 the changes are? I have been thumbing
12 through it, and I am looking for
13 changes. Are they highlighted somehow?
14 MS. SPENCER: No. It is such a
15 complete revision that you're going to
16 have to pull the manual that you were
17 given. This is a total revision. Bear
18 in mind, that it hasn't been revised for
19 a very long time.
20 MR. MACHTAY: I understand that,
21 but you're asking us to adopt it without
22 having read it?
23 MS. SPENCER: That's my suggestion
24 but you can deny it.
25 MR. MACHTAY: I will take your word

1 that it's good and meaningful and it's
2 all these other good things but --
3 MS. SPENCER: I anticipated that,
4 but the reason I was asking you to adopt
5 it is because Jim is leaving and he's
6 worked so hard on it. I, personally,
7 understand if you want time to look at
8 it. I do want Jim to speak to it, and
9 Richard to speak to it this morning.
10 MR. KAUFMAN: Maryann, I would have
11 to agree with Rich in one respect. I
12 don't know what I am looking at, at this
13 point in time. This is a heavy policy
14 document. If there were a way to give
15 us a -- not a summary sheet but sort of
16 a guideline of showing us what the
17 changes were and what exactly has been
18 changed. If that's possible, that might
19 be helpful as a guide because I don't
20 know how easily --
21 MS. SPENCER: I am comfortable with
22 not adopting it today. Look, so much
23 has changed. These are the guidelines
24 on which we make our decisions. These
25 are the guidelines on which Richard

1 directs the other departments in the
2 County. This is the manual. This
3 references -- if you look at the
4 resources in the back, the references
5 are very clear to professional planning
6 documents, professional preservations
7 documents, but this -- it also outlines
8 how the Trust was established. Jim has
9 made sure that all of that is included.
10 That's why I want Jim and Richard to
11 speak to the changes, and I just thought
12 I would throw that out there. I didn't
13 think you'd buy it.
14 (WHEREUPON, there was laughter.)
15 MR. KAUFMAN: You were taking a
16 shot?
17 MS. SPENCER: Right, I was taking a
18 shot.
19 MR. CHAIRMAN: First of all, I
20 would just like to say to all of you and
21 say to the County's CEQ, we really owe
22 you a deed of gratitude for taking on
23 this task. We appreciate it.
24 Jim?
25 MR. BAGG: Basically, we updated

1 the manual to put into play everything
2 that has occurred since the original
3 manual was adopted. The original manual
4 recommended that a director of historic
5 services be appointed. We have a
6 director of historic services. We have
7 an office of historic services in the
8 Parks Department, and the manual has
9 been changed and updated to bring that
10 current.
11 In addition, the Charter requires
12 that properties that are dedicated have
13 to be specified as to their uses and
14 everything else, and the manual has been
15 brought up to actually state what those
16 uses are, what the property can be
17 dedicated for, and other various uses.
18 It's also been updated -- the original
19 manual says that custodial agreements
20 were encouraged, however, this manual
21 has been expanded to actually detail
22 what the custodial agreements can
23 involve and what gets involved and so
24 on.
25 In essence, this manual brings it

1 up to speed for everything that has
2 taken place since 1970, that is, in
3 place today. That was the whole purpose
4 of it. The original manual was outdated
5 and called for certain things to take
6 place that have taken play.
7 MR. MACHTAY: In one of my very
8 early meetings, I was wondering if CEQ
9 is the Historic Trust, why are we
10 relying on other people or subcommittees
11 to tell us what to do? I didn't know
12 where that came from. In reading this,
13 while I was sitting here and in just a
14 couple of pages, I see the history of
15 that and what the Legislature has
16 mandated that we set up a subcommittee
17 which some of these members -- voting
18 members from the CEQ, so on and so
19 forth, to make it all happen. It makes
20 sense now.
21 MR. BAGG: Right, the original
22 manual really goes into those details.
23 In essence, the current manual -- the
24 updated manual outlines everything that
25 is in play today and why it is there.

1 MR. MACHTAY: Well, if you remember
2 a couple of times you came with a vote
3 and it just said, "6-0 or 4-0," and it
4 was -- I wanted to know what the vote
5 was -- who voted yes and who voted no
6 and what the names of those people were
7 because that's the way a vote takes
8 place and that's the way it should be
9 recorded. Anyway, I would very much
10 like to read this and for your sake, I
11 would love to be able to make a motion
12 that would let us accept it
13 provisionally or conditionally, but it
14 really doesn't work.
15 MS. SPENCER: No, no, no. That's
16 fine. Richard, I don't have any problem
17 with that.
18 MR. KAUFMAN: We can still dedicate
19 it to Jim Bagg.
20 MR. CHAIRMAN: I would suggest that
21 we put it on the agenda to take action
22 on it at our September meeting.
23 MS. SPENCER: I would like Richard
24 to speak to it for the record.
25 MR. MACHTAY: There is no

1 dedication on the first page.
2 MR. MARTIN: I would like to thank
3 Jim Bagg for all his work on this.
4 Maryann was very forceful in her opinion
5 that we needed to get this done before
6 Jim retired. It has been completed. I
7 am very happy with it.
8 This is a great tool for the Parks
9 Department and for the Division of
10 Historical Services to rely on this
11 manual because many times we have to
12 explain to people what our role is and
13 how things function and this will give a
14 lot more background information from the
15 County Charter and from where decisions,
16 like you just explained, come from and
17 it is very helpful for people to be able
18 to see that. Again, this will be posted
19 online.
20 The Department of Public Works
21 would call me on a regular basis asking
22 questions and want to look up certain
23 information. Possibly, the public, at a
24 certain point can access this
25 information and especially we've added

1 the list of buildings, so it will be
2 very clear -- the status of our historic
3 buildings and if they're on a national
4 register and it has been dedicated to
5 the Historic Trust or if they have been
6 listed as an historic building. As you
7 read through this document, that's a
8 major change from the first document,
9 not only provided for the dedication of
10 historic structures which is a black and
11 white situation. It's a historic
12 property and is to remain so to be
13 completely restored and maintained as an
14 historic building. Where the committee
15 and with the approval of CEQ has
16 provided now for buildings that
17 compliment -- that contribute to the
18 historic history of the park and that
19 should also be maintained but giving a
20 little more leeway to the Parks
21 Department and to the County on the use
22 of those buildings over time. I think
23 that's been very helpful as we review
24 our historic sites and have that
25 secondary listing, I would call it.

1 That's very well explained here and
2 incorporated here. So, legally it's all
3 making sense in this document now where
4 there was some questions before on how
5 things were run.
6 Also, there's information here on
7 the delisting of a property which I get
8 a lot of questions from people. That is
9 covered here, and it's explained on
10 that. How they could be done? Also,
11 the fact that a parkland is dedicated to
12 a Suffolk County History Trust. That
13 action was actually taken up with the
14 New York State Legislature which we know
15 parkland would but a lot of people view
16 the historic differently. I am always
17 trying to explain to them that it is the
18 same as the State Parkland Laws which
19 are now in this document.
20 So, I think it's going to be a
21 great tool as we move forward. Also,
22 what's been added -- things that our
23 office covers such as Division of
24 Historic Services, the collection
25 policies is now included. It was not

1 covered in the original manuals. This
2 only covered buildings and a bit on the
3 landscape and the properties surrounding
4 them. The new document has a section on
5 collections which we deal with a lot.
6 Of course, at Sagtikos Manor, we have a
7 huge collection of artifacts there and
8 that will be given any acknowledgment in
9 the form of manuals. Also, there's a
10 section on the landscape -- historic
11 landscapes which Dan Pichney helped
12 with, and that has been given more
13 recognition then we need. These
14 historic landscapes are studied as much
15 as the buildings are and that is as
16 important as the compliments of the
17 historic sites are.
18 So, overall, I am very pleased with
19 the revisions. Again, Jim Bagg spent a
20 lot of time on it. I am glad he was
21 able to stay until August to complete
22 this. It is going to be great help in
23 the future.
24 MR. CHAIRMAN: I just had a
25 question.

1 We had a number of sort of policy
2 debates over the last year or two,
3 specifically, addressing our concern
4 that properties are being purchased
5 without any idea of how they're going to
6 be maintained; is that kind of thing
7 mentioned in here?
8 MR. MARTIN: Yes, it's definitely
9 in here. Jim included the resolution
10 that the CEQ passed which all
11 requirements are now included in the
12 manual. It is here.
13 MS. SPENCER: This all following
14 throughout on what Richard has said in
15 terms of trying to make this current.
16 It really -- well, we have thrown in the
17 revisions for listings a year or so ago.
18 The entire manual has not been looked at
19 and Dan -- as Richard mentioned, Dan had
20 a look at landscaping again. We looked
21 archeology again. We got the whole
22 committee down. We have been working in
23 this for over a year so that it's
24 current but hopefully once it goes
25 online, we can keep it current.

1 MR. CHAIRMAN: Does the Legislature
2 have to approve this?
3 MR. BAGG: No, Larry, that's the
4 one thing that has to be pointed out.
5 The CEQ is the Historic Trust and the
6 members of the Historic Trust -- if this
7 manual is adopted by you, it is going to
8 provide this Council's members with
9 guidance. One is to evaluate historic
10 trust properties, dedication, management
11 of existing historic trust properties,
12 and everything else. It contains what
13 the Council has decided over the years,
14 as well in terms of your past guidance.
15 This is an internal document for the
16 Council of Environmental Quality as the
17 Historic Trust.
18 MR. CHAIRMAN: Okay, good. Thank
19 you.
20 I have something I wanted to bring
21 up and mention to you, Maryann. I have
22 a proposal for you to consider and you
23 don't even have to buy a building.
24 One of the most significant
25 environmental things that has occurred

1 in Suffolk County is that the County was
2 the first County and possibly the first
3 government body in the United States to
4 ban DDT. There's a very interesting
5 history to that and if you allow me, I
6 will just explain to you what I would
7 like to have you consider doing.
8 There were four guys that got
9 together in the mid-1960's that were
10 concerned about the environmental impact
11 of DDT and they sued Suffolk County
12 Mosquito Control Commission. The Court
13 eventually through the lawsuit out but
14 the Suffolk County Commissioner's
15 feared, I guess at the time, thought it
16 was so important that they ban the use
17 of DDT in the County for mosquito
18 spraying. Following that, the State of
19 New York, I think, banned it in 1970 and
20 the United States Government banned it
21 in 1972. The four people that started
22 the lawsuit eventually in the late 60's
23 formed the Environmental Defense Fund.
24 That Environmental Defense Fund's little
25 office was on the 4th Floor, I think, in

1 what is now the Stony Brook Post Office.
2 It seems to me, that, that in itself, is
3 a rather significant event because the
4 EDF was really one of the first groups
5 that decided to use the laws and means
6 of trying to preserve the environment.
7 So, I would like to propose that
8 you all consider putting a plaque on the
9 Stony Brook Post Office -- a nice plaque
10 commemorating not only the formation of
11 EDF but the mere fact that the banning
12 of the DDT started right there.
13 I spoke to Gloria Rocchio some
14 weeks ago. I think she would be very
15 pleased to allow that. As I understand
16 it, the Ward Melville Heritage
17 Organization owns the building and the
18 post office leases it. So we don't have
19 to deal with the U.S. Government; so I
20 would just like to have you look into
21 that and consider doing that, if
22 possible, and I think it would cost
23 hundreds of dollars instead of hundreds
24 of thousands of dollars; okay?
25 MS. SPENCER: Okay, we will do

1 that.
2 MR. CHAIRMAN: Recommended Type Two
3 Actions. Do we have any suggestions,
4 Michael, about the Legislative
5 Resolutions that have been laid on the
6 table?
7 MR. MULE: They're pretty straight
8 forward. Type Two Unlisted Actions and
9 SEQRA is already completed.
10 I did want to bring up IR-1817, the
11 acquisition of land under the new
12 Drinking Water Protection Program open
13 space for the Shultz holding property --
14 Fords River. Phase 1, was conducted on
15 this site and it did identify and
16 recognize environmental conditions and
17 suggested a Phase 2, be conducted.
18 Right now, the owner has chosen not to
19 provide access to the Phase 2, so the
20 acquisition is kind of influx and on
21 hold right now. If it does go forward
22 and Phase 2 is conducted, we will review
23 that and an EAF will be prepared and the
24 acquisition will be brought to the CEQ
25 at that time.

1 Also, some of you might have
2 noticed on August 17, laid on the table
3 was IR1883. It's basically the
4 identical Legacy Village resolution. It
5 was set to expire in keeping the bill
6 alive. There is no change.
7 MR. KAUFMAN: Mike, it's a
8 performing legislative aspect to have it
9 perform and there's aspects to it? It
10 just basically keeps the bill alive?
11 MR. MULE: Yes.
12 MR. CHAIRMAN: Any comments?
13 MR. KAUFMAN: Yes, I have one
14 comment on the 1878, Local Law "to
15 ensure a safe transfer of fuel for the
16 boats and watercrafts in the Peconic."
17 What are they talking about?
18 MR. MULE: I think it's the
19 dredging of fuel in the water.
20 MR. ISLES: I think it is related
21 to marinas that are set forth that do
22 not have pump facilities. What happens
23 is delivery trucks drive to the marina
24 and then provide fuel through hoses out
25 to the boats and so on and so forth.

1 It's not a fixed operation set forth.
2 MR. KAUFMAN: So it does not have
3 clean up facilities?
4 MR. ISLES: Right --
5 MR. KAUFMAN: I know that can
6 take --
7 MR. ISLES: (Continuing) -- and
8 there are protocols set forth. The bill
9 has not gone to committee, obviously,
10 but that's my understanding. It applies
11 to the Peconic in terms of legislation.
12 MR. CHAIRMAN: Why only the
13 Peconic?
14 MR. ISLES: I don't know. It was
15 submitted by Legislator Schneidermann.
16 I spoke to his staff last week on it to
17 give you some background on it. I don't
18 have full information on it, but this is
19 a process as I understand it and we're
20 going to gain more information going
21 forward.
22 MR. KAUFMAN: For whatever it's
23 worth, I think I understand where the
24 bill is going. It would not be a bad
25 idea for a countywide facility even

1 though most of the marinas on the main
2 body of the island have pretty decent
3 fuel facilities. At least in my
4 experience, on the north shore and the
5 south shore, you do occasionally have
6 trucks come by and fill somebody up with
7 fuel at 400 to 500 gallons and try to
8 beat the price -- or whatever then to
9 not have it countywide. I have seen
10 some stuff in Huntington Harbor, for
11 example, where a truck drives up and it
12 has a long hose and they stick it into a
13 50 foot boat and instead of paying $3.25
14 a gallon, they pay them $2.85 a gallon
15 so they're beating the price and it
16 creates problems that way. So it's just
17 a suggestion.
18 MR. CHAIRMAN: Anything else?
19 MR. KAUFMAN: I will be abstaining
20 on one of these whenever the motion is
21 made.
22 MR. CHAIRMAN: Do we have a motion
23 to accept staff recommendations?
24 MR. KAUFMAN: I will make a motion
25 to accept staff recommendations.

1 MR. MACHTAY: Second.
2 MR. CHAIRMAN: Is there any further
3 comments?
4 (WHEREUPON, there was no response.)
5 MR. CHAIRMAN: All in favor?
6 (WHEREUPON, the Council voted.)
7 MR. CHAIRMAN: Opposed?
8 MR. KAUFMAN: I will be abstaining
9 on 1886. I will abstaining.
10 MR. CHAIRMAN: Motion passes.
11 Recommended Type 1 Action, Proposed
12 Final Scoping document for the draft
13 generic environmental impact statement
14 on the declaration as surplus and
15 authorization to execute a contract of
16 sale of 255 plus acres of the Yaphank
17 County Center to Legacy Village Real
18 Estate Group.
19 Anybody here to speak to that?
20 MS. JIJINA: I am Janis Jijina, and
21 we're working for the County on this
22 project to prepare the Generic
23 Environmental Impact Statement for the
24 project.
25 What we have done is, earlier this

1 year we gave you a draft scope that we
2 issued and sent out which is required by
3 law. There was a public scoping session
4 that was held on March 16, 2010, and
5 then there were written comments that we
6 received through March 30, 2010.
7 This scope incorporates all the
8 changes that were required to address
9 the comments that were in the -- that
10 were received during that comment
11 period. Many of the changes had to do
12 with clarification. There were requests
13 to have little more detail about the
14 arena. There were requests for
15 additional traffic intersections and
16 things of that nature. I did want to
17 point out that since this was given to
18 you, there have been further discussions
19 with the County Planning Department and
20 there are two minor changes that we
21 would like to make.
22 The Legacy Village document talks
23 about a 5500 fixed-seat area with a
24 potential for floor seats for a concert.
25 The County has determined that the

1 project should just be the 5,500
2 fixed-seat. So we need to strike from
3 that maximum of 8,000 seat.
4 In addition, the plans that were
5 provided to the County for Legacy
6 Village showed an outdoor stadium for
7 Lacrosse and other sports, such as that,
8 which needs to be added into the
9 description of the project. Other than
10 that, the document that you have in
11 front of you is revised as we have
12 prepared in junction with the County
13 Planning Department.
14 So, I know you have a new copy of
15 it. I don't know if there is any other
16 specifics you want me to go through. We
17 added a list of preliminary mitigation
18 measures that were requested by several
19 of the agencies, and we added some more
20 details on the data -- new data will be
21 collected verses what now exist.
22 Alan and I are available to answer
23 any questions that you have about the
24 changes that were made.
25 MR. CHAIRMAN: Thank you.

1 Michael?
2 MR. KAUFMAN: I have one comment on
3 this. I had a discussion with Jim Bagg
4 and with Mike Mule. This would be on
5 the initial identification mitigation
6 measures that are on Page 18.
7 One of the things that I have been
8 very, very concerned about is the impact
9 of the septic waste on the property and
10 possible migration off of the property.
11 I know that it's referenced in the
12 documents -- several other places but
13 not nearly as heavily as I would have
14 hoped. I would like to explore or have
15 a place in the document to explore
16 whether it's possible to hook septic
17 systems into the Yaphank STP that exists
18 in the area -- just look into it as part
19 of the EIS and I believe that's a
20 secondary plan.
21 MS. JIJINA: Can you just clarify
22 that for me? We have right now all of
23 the development having their sanitary
24 flow according to the STP. Are you
25 talking about something outside of this?

1 MR. KAUFMAN: No, no, no. I am
2 saying that when I was reviewing the
3 documents -- I reviewed it several
4 times, and I don't think that, that was
5 emphasized strongly enough. It was sort
6 of sometimes, in my opinion, mentioned
7 in passing and I wanted a definitive
8 statement in the mitigation section
9 stating that the STP would be looked at
10 for septic issues and also that
11 improvement to tertiary treatment be
12 examined.
13 MR. ISLES: We were advised by the
14 Department of Public Works that there
15 are tertiary plans. Whether or not it
16 needs further -- well, certainly it
17 needs further work and an extension if
18 the project were to go forward, but we
19 were advised of the County's tertiary
20 that whatever improvements may be
21 necessary are not yet defined.
22 MR. KAUFMAN: Maybe we can take a
23 look at that stuff inside the EIS.
24 MS. JIJINA: We can clarify that
25 language, but we want to make you

1 understand that the intent here is
2 clearly for everything in this proposal
3 to go to an expanded waste water
4 treatment plant.
5 MR. KAUFMAN: I wanted a very, very
6 black and white statement in the
7 mitigation section. Again, I have seen
8 it in other places but not maybe hit as
9 heavily as I would want to have it put
10 forth in the document. Again, I am not
11 saying that you haven't considered it.
12 I'm not saying it wasn't going to happen
13 or anything. It's just my experience
14 with scopes and EIS's you have to be
15 very, very black and white in what
16 you're setting forth and be very, very
17 clear of it in that way. What Tom has
18 just said -- what you said, I think
19 would -- put it in black and white in
20 that section, if you could and it would
21 be very, very clear that way and that
22 will satisfy any concerns that I have.
23 MR. CHAIRMAN: Dan?
24 MR. PICHNEY: I would just like
25 clarification here.

1 On Page 20, on Alternatives For
2 Growth Actions, it's saying that the
3 only alternatives to be considered are
4 no action and existing zoning and then
5 the last sentence says, "The project
6 sponsor determined that any alternative
7 uses of areas A, B, C, and D will fail
8 to meet the project sponsor's needs." I
9 remember when we were first reviewing
10 this project back in the spring at the
11 Country Club in Islip. One thing that I
12 brought up as far as an impact on the
13 Yaphank Historic District, the location
14 of the stadium in area A, in terms of
15 traffic, in terms of lighting, and the
16 esthetic and visual environmental impact
17 on the historic area there and whether
18 it could be considered to safely
19 relocate the stadium to area D, perhaps,
20 with the idea that it would have less of
21 an impact on the Historic District, as
22 well as, spread the traffic out a little
23 bit and allow a little bit better access
24 form Sunrise Highway and from the
25 Expressway. I was led to believe that

1 those types of issues would be
2 considered. This plan is not cast in
3 concrete and that it -- it goes more to
4 something that we're not discussing now
5 but just to bring it up, the idea of
6 pulling out -- pulling out area D, out
7 of this thing further reduces the
8 possibility to kind of shift around some
9 of the uses and to lessen the impact and
10 to address the needs of the community.
11 So am I misreading this? Is this cast
12 in concrete in terms of the uses that
13 are going to be or can changes be made?
14 MS. JIJINA: Changes can be made
15 further down the line and probably will
16 be. Remember, this is a generic
17 document and even if the County were to
18 go through the whole process and
19 determine that the impact could be
20 mitigated and the property could be
21 sold, the actual future developer is
22 going to have to go to the Town and get
23 approval for all of these things. So
24 it's very possible that throughout the
25 whole course of this project, going

1 forward, that there would be changes.
2 In terms of the alternatives, the
3 alternatives in this document that are
4 being discussed is planned, as it has
5 been proposed, and then the two
6 alternatives which is municipal use and
7 then as-of-right development.
8 MR. PICHNEY: That's what I am not
9 understanding here. You're looking at
10 the proposal to propose less -- further
11 down the line things could drop out of
12 there, so potentially the stadium could
13 drop out of there or other uses could be
14 switched around and so forth; is that
15 correct?
16 MS. JIJINA: Well, what will happen
17 in this document is we will look at
18 these proposed actions and the two
19 alternatives and we're going to see what
20 the impacts are. If, for any reason
21 those impacts can't be adequately
22 mitigated, then in a final environmental
23 impact statement there might have to be
24 changes to the plan. But at this point
25 going in, these are the three scenarios

1 that are being addressed.
2 MR. KAUFMAN: Dan, what it boils
3 down to is in the FEIS, if we have
4 determine while we're developing the
5 plans, that, for example, the baseball
6 stadium is a totally inappropriate usage
7 or say the Carman's River has shifted
8 its course and is suddenly running
9 underneath where the stadium is going to
10 be, that clearly would be a problem, and
11 that clearly would be something that
12 could not be mitigated. It clearly
13 would be something that we would present
14 to the Legislature as that is not just
15 going to happen. We cannot, if you
16 will, approve this from an environmental
17 sense. Again, that's taking the extreme
18 example but it is just showing. We
19 still have the ability to influence the
20 document as it is being prepared and
21 take in those conclusions as we find
22 them and to take the findings and the
23 information and the data that we gather
24 and say whether or not we think this is
25 a viable thing to do or not. We can't

1 just focus on Parcel A. So that's
2 possible to do. This is a scope. A
3 scope is a general guide especially
4 since we are doing a generic one. Once
5 we get into all of the changes, that's
6 when the changes might be made and
7 that's when we start gathering the
8 information because, theoretically,
9 right now, we don't know what's going on
10 over there. I mean, we have a fair
11 amount of knowledge. We don't know for
12 sure what's happening. So there's room
13 for maneuver and changes.
14 MR. PICHNEY: That's what I asked
15 for clarification. Thank you so much,
16 Michael.
17 MR. CHAIRMAN: I provided some
18 written comments about a month ago and
19 other people did, and I don't see
20 anything in here to indicate that those
21 comments were considered.
22 MS. JIJINA: Yes, they were. They
23 were sent over to us and a number of
24 them were incorporated. Some of them
25 were not incorporated, and we can go

1 through the specific reasoning for
2 those, if you would like.
3 MR. CHAIRMAN: I wouldn't ask you
4 to do it now but I would like to get --
5 to see sort of a summary of not just my
6 comments but the other comments that
7 were provided in written form and what
8 you have accepted. The reason I ask
9 that is because I was -- one of my
10 comments, as I recall, is that I was not
11 particularly happy with the way the
12 number of things were just sort of
13 dismissed out of the hands of the public
14 meeting as not being important in your
15 estimation. I understand that some of
16 those things probably were not relevant,
17 but many others were sort of casually
18 pushed aside and that bothers me. I
19 would like to know how we're going to
20 deal with those?
21 The other thing that we do have are
22 written comments today, and I am going
23 to ask Michael to review it. It
24 addresses two things, one of which
25 Michael Kaufmann probably already raised

1 to some extent and that was the nitrogen
2 loadings in the area and the second had
3 to do with additional alternatives with
4 what is being considered as an
5 alternative in the scope of the
6 document.
7 Michael?
8 MR. MULE: Yes. In reference to
9 the alternative issue, this is a letter
10 and comment from Jim Tripp from EDF and
11 he is suggesting separate alternatives
12 where one or all of the parcels would be
13 dedicated to open space.
14 If you want to touch on that and
15 then we can discuss it.
16 MS. JIJINA: That comment had been
17 made previously, as well as, in this
18 letter. In our discussions with the
19 County Planning Department, what we
20 determined is that the issue of whether
21 this property should be open space is
22 really addressed by the County's open
23 space policy. What we will do is we
24 will look at the proposed project on the
25 property and how it performs to the

1 County's open space policy. In terms of
2 an alternative, that creates some or all
3 of this to be open space and we
4 understand from the County, who is our
5 client, that, that does not meet their
6 objectives for this property. So, SEQRA
7 does not require this to be an
8 alternative and for us to meet the
9 project sponsor's objectives.
10 MR. KAUFMAN: That's a problem.
11 The way you just phrased that, that
12 really goes against what the positive
13 declaration talked about.
14 The original positive declaration
15 in December very specifically talked
16 about the relation of this property to
17 the County's open space efforts in the
18 rest of the County, and that was one of
19 the key points that we were focusing
20 upon. A lot of people were bringing up
21 the fact that the County was buying
22 property in the -- for example, the
23 Carman's River watershed in the pine
24 barrens type of vegetation land and the
25 issue of why the County was selling this

1 land, which was in pine barrens type of
2 vegetation areas, and indeed contained
3 in the pine barrens vegetation but the
4 question was whether it was a wise idea
5 to sell this at all.
6 MS. JIJINA: That is addressed in
7 here. That's the analysis of how this
8 property fits into the County's open
9 space policy.
10 MR. KAUFMAN: But a minute ago it
11 seemed as if you were precluding that
12 possibility.
13 MS. JIJINA: From an alternative,
14 but we're certainly evaluating it from
15 the documents in terms of public policy.
16 MR. KAUFMAN: I'm not sure what
17 that means.
18 MR. MULE: Not having it as an
19 alternative is not doing the traffic
20 studies, the other more in depth
21 analysis, and that would be required for
22 the municipal use and the as-of-right
23 development. It would be discussed in
24 relation to our open space policy but
25 not specifically addressed as an

1 alternative.
2 MR. CHAIRMAN: It seems to me that
3 this is a viable -- a alternative as a
4 no action alternative and one of the
5 things that is mentioned in this letter,
6 if I recall correctly, is that if it's
7 left vacant, that it would revert to
8 pine barrens type environment which
9 would be wonderful for Suffolk County's
10 environment overall and the general
11 health of the County, as well. So, I
12 think, that it should not be dismissed
13 as part of a casual conversation and the
14 other parts of the report should be
15 considered as a standalone alternative.
16 MR. KAUFMAN: I would agree with
17 that. One of the things that always
18 bothers me --
19 MR. ISLES: I just want to point
20 out here -- again, Page 8, certainly is
21 part of the process scope and content.
22 I don't think it should be characterized
23 as being casually dismissed as a
24 comment, with all due respect,
25 Mr. Chairman. I don't disagree in terms

1 of your reviewing. There should be
2 alternative and certainly we will take
3 that under advisement, but certainly we
4 heard it loud and clear that, that's one
5 policy choice that has been suggested at
6 the meetings that have been conducted on
7 Legacy Village with the Legislature and
8 certainly at the scoping session. We
9 know that, that's a question out there
10 that we believe that has to be address
11 in this document. We believe we have it
12 in this content. Again, with all due
13 respect, if you feel there should be an
14 alternative, then we certainly will take
15 that under advisement. It's not being
16 casually dismissed.
17 MR. CHAIRMAN: But I do think it
18 should be considered as an alternative,
19 and I am concerned. Maybe it's just the
20 way she phrased it that essentially she
21 says this does not fit into the County's
22 plan, therefore, it's going to be
23 discussed but -- she didn't say it, but
24 the implication was there that it's not
25 going to be considered seriously.

1 Yes?
2 MR. MACHTAY: I understand what she
3 is saying in alternative sections of
4 SEQRA. It talks about the goals and
5 objectives of the project's sponsor.
6 But in a way, the goals and objectives
7 of the County is the open space policy.
8 I think as an alternative, applying that
9 to this property would not be contrary
10 to tenants of SEQRA. I would like to
11 see that as an alternative.
12 MR. CHAIRMAN: Before we open it up
13 to the public, is there any other
14 comments?
15 MR. MULE: I just wanted to finish
16 on what Jim Tripp's comments were in
17 here on analyzing nitrate levels from
18 Carman's River.
19 I just want to point out that it is
20 in the scope and there will be more
21 detail addressed in the statement
22 through groundwater model work being
23 conducted by the Department of Health
24 Services.
25 One more thing that I want to say

1 is that we were talking internally
2 through the department about altering
3 the description of the action a little
4 bit to state that once SEQRA is
5 complete, that the project can proceed
6 as is or be sold parcel-by-parcel just
7 so we have that information in there
8 upfront and part of the actual project
9 description. So SEQRA would handle all
10 these different parcels collectively.
11 MR. KAUFMAN: I think that, that's
12 a very important issue. I know the
13 County Executive, in the past, has
14 talked about if the main plan didn't go,
15 selling the individual parcels possibly
16 at auctions. We have the bill before us
17 today by Legislator Kennedy saying the
18 same thing. It's a viable option -- a
19 viable alternative to do. I don't think
20 it should be precluded in the plan.
21 Again, I don't know where the plan is
22 going to go. I don't know what it's
23 going to show. I don't know what the
24 impacts are at this point in time. So
25 having an alternative like that phrase

1 -- the way you just said it, possibly
2 inside the document, would provide me
3 with a comfort level that if we had to
4 go that way or if we wanted to present
5 it to the County Legislature that way,
6 that could be accomplished. That way we
7 wouldn't have to put it in there as an
8 alternative on Page 19 or whatever it
9 is.
10 MR. MULE: Part of the project
11 description?
12 MR. KAUFMAN: Yes. That's a viable
13 way of doing it in a legal sense. I
14 don't think it would preclude anything.
15 I think it would be advantageous.
16 MR. CHAIRMAN: I want to move on
17 and get some comments from the public.
18 Mr. Amper?
19 MR. AMPER: I have several items.
20 My name Richard Amper. I am the
21 Executive Director of the Long Island
22 Pine Barrens Society.
23 Since the original proposal of
24 Legacy Village, there has commenced a
25 new preservation plan study for the

1 Carman's River Watershed -- the complete
2 watershed. We would want to emphasize
3 then this EIS be obliged to consider the
4 cumulative impacts of the proposed
5 Legacy Village project in combination
6 with known and reasonably contemplated
7 actions throughout that watershed and,
8 in fact, throughout the pine barrens
9 Peconic Bay Eco-System. This should not
10 be reserved merely for a corridor along
11 Yaphank Avenue or even the river
12 corridor, but the entire identified
13 watershed and that is going to require
14 extensively more consideration than I
15 think is present now.
16 With respect to the alternative of
17 acquisition, it's not merely an
18 alternative. It is not merely a
19 convenience to the County. The fact of
20 the matter is SEQRA does require
21 consideration not so much of acquisition
22 separately from any other listed
23 function, but the no action alternative
24 given the billion dollars that the
25 County has spent on protecting drinking

1 water and the pine barrens habitat, this
2 is a very viable and a very realistic no
3 action alternative.
4 So I would strongly support CEQ's
5 insistence that this not be merely a
6 consideration or a balancing act between
7 the County's land preservation drinking
8 water protection policies, but be built
9 into active consideration as an
10 alternative; at least as part of the no
11 action alternative.
12 Finally, with respect to the use of
13 different portions of the property or
14 other property owned by the County in
15 the vicinity, it is also essentially
16 that the environmental impact statement
17 not segment the review of this in any
18 way. I know there's sometimes the
19 distinction between consideration of
20 cumulative impacts and segmentation, but
21 they're fundamentally related and they
22 can't be separated.
23 MR. CHAIRMAN: Thank you.
24 Anybody else?
25 Yes?

1 MR. MORRIS: My name is Dan Morris
2 for Open Space Council. I am a board
3 member.
4 Our policy has been that the
5 proposed Legacy Village concept for a
6 variety of reasons. It's not really set
7 up as its been proposed as but, again,
8 weighing in, in conjunction with the
9 pine barrens society, we're pushing for
10 a comprehensive plan towards the
11 preservation of water quality and the
12 habitat surrounding the Carman's River
13 project. We think that these pieces of
14 property and the other County land in
15 that area is highest and best uses as
16 mitigation for the existing that are
17 known and the unknown contamination
18 plumes that are in that area -- the
19 Grucci plume and others that are
20 impacting the river. We think that --
21 as was spoken of earlier, you're buying
22 land -- small parcels of land just to
23 the east of -- just west of Southaven
24 Park. You bought any number of parcels
25 in that little old filed map section and

1 certainly if you want to protect the
2 water quality of Carman's River, you
3 want to protect -- reserve these larger
4 spaces as open space and for that
5 reason, we think that a separate
6 alternatives from no action alternative
7 dedicates these parcels of open space,
8 the County's system would be desirable
9 because of the -- if you just leave it
10 as a no-action alternative, that leaves
11 it open to future sale uses and other
12 actions that may happen. So we would
13 prefer a separate alternative for open
14 space.
15 MR. CHAIRMAN: Anything else?
16 MR. MC CONNELL: John McConnell.
17 I live in Yaphank. I live right
18 close to where this proposed project
19 would be. I agree here that this should
20 be set aside as open space and
21 preserved. I have a problem with the
22 whole project. I have a particular
23 problem with having an arena and a
24 stadium right next to the Carman's River
25 -- the banks of the Carman's River.

1 Last night we were all at a town
2 board meeting -- Town of Brookhaven and
3 they were talking about this very thing
4 -- the protection of Carman's River.
5 They compared it with what happened to
6 the Forge River which was not protected.
7 It's a dead river in many cases and you
8 know if you allow all this development,
9 you know the same thing might happen to
10 the Carman's River. This is the least
11 developed river so let's try and keep it
12 that way as much as possible.
13 I know it's impossible to stop all
14 development, but it's very important to
15 talk about the toxic plumes. There are
16 all kinds of plumes in the area. There
17 are so many contaminated wells there.
18 Where's the -- you know, untainted or
19 where is the fresh and clean water and
20 where does it comes from. I mean
21 Suffolk County Water Authority says,
22 "Well, they can take it here," and
23 that's fine, but I don't know if people
24 are aware of it but there's many times
25 where they blend the water and some of

1 -- you know, maybe all of -- some of you
2 don't know where they take a
3 contaminated well and they blend it with
4 a well that's good clean water and then
5 it comes under the limits and,
6 therefore, it's safe drinking water --
7 supposedly. Why not try and mitigate
8 that and if it's allowable, to have this
9 blending. You're talking about the
10 nature of the pine barrens woodlands --
11 whatever vegetation.
12 Eric Lamont who is a botanist. He
13 studied the area near the KAPAS plant
14 that it has this rare ecological
15 community which he firmly believes
16 continues into this Legacy Village area.
17 So if it gets preserved this -- because
18 this is a -- of course, I forget the
19 name of the community. It's Pitch Pines
20 something but it's 99 percent destroyed
21 throughout the State. I don't know if
22 it is endangered or rare. I think it is
23 rare but the -- another thing too --
24 because we were here a couple of months
25 after the County Executive Steve Levy

1 proposed this and it was called Yaphank
2 Development at the time and we were up
3 in his office -- three different civics
4 -- I don't know where it was but it was
5 to explain his plan of this development
6 and stuff. After he announced it in
7 January, when he first took office -- I
8 guess it was in 2005 and I am not sure
9 of the year -- a couple of weeks later
10 the County bought and spent a lot of
11 money buying all this land by Gabreski
12 Airport. I think it was on Earth Day.
13 So, the County has spent all this money
14 preserving land and rightfully so to
15 protect the drinking water upon the pine
16 barrens and so on and here they want to
17 sell pine barrens land -- really --
18 pretty much for development. There's a
19 lot of -- you know, developers, business
20 people, and unions want to build it but
21 there's also a lot of opposition to
22 this.
23 MR. CHAIRMAN: Anybody else?
24 (WHEREUPON there was no response.)
25 MR. CHAIRMAN: So after hearing

1 that, anymore comments from our Board?
2 (WHEREUPON there was no response
3 from the Council.)
4 MR. CHAIRMAN: There is no
5 particular action identified so we have
6 to take others --
7 MR. KAUFMAN: Actually, we have to
8 do it as a Type 1 and the document
9 itself is --
10 MR. BAGG: No, you have to declare
11 it as a Type 1. CEQ has to make a
12 recommendation to the Legislature as to
13 the recommended scope.
14 MR. KAUFMAN: Right, as changed.
15 Basically, I guess any
16 recommendation that gets made should
17 incorporate the comments that we made
18 here at the table -- primarily as to
19 alternatives such as the one I was
20 making as to the STP.
21 MR. CHAIRMAN: Before we can take
22 it to the Legislature, it seems that me
23 that we need to see a new version of the
24 scoping document. We will have to take
25 action next month as to whether we're

1 going to move it on to the Legislature.
2 MR. KAUFMAN: Okay.
3 MR. CHAIRMAN: Yes?
4 MR. MACHTAY: Just very quickly.
5 In my experience with the Town of
6 Huntington, at least in one case, the
7 term "no action alternatives" and the
8 term "no development" were two different
9 things. No action meant it is still
10 developable at the existing zone and no
11 development meant open space. So if
12 we're going to address the alternatives
13 of no development, that's what I think
14 we ought to call it -- no development,
15 or make it sound a little nicer than
16 that but no development.
17 MR. ISLES: Preservation of open
18 space?
19 MR. MACHTAY: Sounds good to me.
20 MR. CHAIRMAN: Very good. Thank
21 you for your time. I guess we will be
22 seeing you off and on over the next
23 number of months. Thank you.
24 Project Review: Recommended
25 Unlisted Actions, Proposed Declaration

1 of 95.3 Acres of Industrial/Commercial
2 Zoned Property surplus/offer for sale,
3 in the Town of Brookhaven.
4 Anybody here from Mr. Kennedy's
5 office to speak to that?
6 Yes?
7 MR. NAZIR: Legislature Kennedy --
8 MR. CHAIRMAN: Would you please
9 identify yourself?
10 MR. NAZIR: Ali Nazir.
11 John would like to request that you
12 table this resolution due to a
13 segmentation issues. He is going to
14 submit memorandums to all of you
15 regarding that segmentation issue with
16 case law references.
17 MR. CHAIRMAN: Okay. So very good.
18 Thank you very much.
19 So we need a recommendation to
20 table that.
21 MR. MACHTAY: I make a motion to
22 table it.
23 MR. KAUFMAN: I will second.
24 MR. CHAIRMAN: Any further
25 discussions?

1 (WHEREUPON, there was no response.)
2 MR. CHAIRMAN: All in favor?
3 (WHEREUPON, the Council voted.)
4 MR. CHAIRMAN: Opposed?
5 (WHEREUPON, there was no response.)
6 MR. CHAIRMAN: Motion carries.
7 Proposed Acquisition of Open Space
8 Preservation known as Beaverdam Creek.
9 Lauretta?
10 MS. FISCHER: Good morning.
11 There are two proposed acquisitions
12 before you today. The first one is two
13 acres approximately of land encompassing
14 seven lots in the Beaverdam Creek
15 watershed area.
16 Last month, I brought for your a
17 recommendation of 57 acres. That is in
18 the same area. We are adding to our
19 holdings in this acquisition, and we
20 will continue to bring you more over the
21 next few months.
22 On the maps that were prepared, the
23 properties that we're proposing to be
24 required are in the first four colors
25 which are red, light yellow, blue, and

1 purple. There are three different
2 owners with properties scattered
3 throughout the area that the County has
4 been proposing for acquisition for a
5 number of years to now.
6 Three are head waters of the
7 Beaverdam Creek area that flows into the
8 Great South Bay -- south of the Great
9 South Bay between Sunrise Highway to the
10 north and Montauk Highway to the south.
11 MR. MACHTAY: Lauretta, if I may,
12 Mr. Chairman, the only thing in red that
13 I can see on the map is a little speck
14 over here. (Indicating.)
15 MS. FISCHER: That's correct.
16 MR. MACHTAY: That's 1.94 acres?
17 MS. FISCHER: Well, that red speck
18 towards the yellow -- dark -- the yellow
19 over to the left plus the purple up to
20 the north --
21 MR. MACHTAY: And the two parcels
22 there?
23 MS. FISCHER: And then two parcels
24 south in blue, right. So it is a total
25 of seven parcels.

1 MR. MACHTAY: It's really
2 connecting a lot of the County's
3 property?
4 MS. FISCHER: Correct. Connecting
5 the dots here.
6 MR. CHAIRMAN: Do we have any
7 further discussions?
8 MR. MACHTAY: I will make the
9 motion.
10 MR. CHAIRMAN: We have a motion to
11 accept.
12 MR. MACHTAY: Yes, as Unlisted
13 Negative Declaration.
14 MR. CHAIRMAN: Second?
15 MS. RUSSO: Second.
16 MR. CHAIRMAN: Second from Gloria.
17 All in favor?
18 (WHEREUPON, the Council voted.)
19 MR. CHAIRMAN: All opposed?
20 (WHEREUPON, there was no response.)
21 MR. CHAIRMAN: Motion carries.
22 MS. FISCHER: Thank you.
23 The second acquisition area is
24 Reeves Bay in the Town of Southampton --
25 Flandhampton Holding. This is one of a

1 number of parcels identified for
2 acquisition within the Reeves Bay
3 watershed area.
4 We have brought to you two
5 properties previously outlined in the
6 orange and their proposed acquisition is
7 outlined in red which consists of
8 approximately point .6 acres of land
9 adjacent to Reeves Bay.
10 MR. CHAIRMAN: Is this -- just out
11 of curiosity, is this a remnant of a
12 natural creek or is this dredged out?
13 MS. FISCHER: I think it's kind of
14 a combination of both. There was a
15 natural creek in that area down south to
16 Flanders Road or Route 24, but I think
17 there has been some dredging. There is
18 a marina on the left hand side or right
19 side of Bay Avenue. So, I think, there
20 has been an alteration to the -- to the
21 stream in that area.
22 MR. KAUFMAN: What Larry is seeing
23 and what I am seeing looks like a dredge
24 scar immediately to the south.
25 MS. FISCHER: That bulging out

1 area?
2 MR. KAUFMANN: Well, it is marked
3 in purple on one border, and it has a
4 house on it and it looks to be yellow
5 and white and it looks like a dredging
6 scar.
7 MS. FISCHER: I don't know but
8 there's a house on that property. It
9 might just be the way the aerial is
10 picking up the colors. I think that at
11 this point in time that's -- you know,
12 lawn area from my other aerials.
13 MR. CHAIRMAN: You did put this in
14 an environmental review?
15 MS. FISCHER: Yes, its has gone
16 through Environmental Plate Assessment
17 Report. The property identified for
18 acquisition today does have a trailer on
19 it and that will be removed. Primarily,
20 most of the sight is an open lawn area
21 that will be reverted to a natural state
22 and that would be -- what we're looking
23 to do here is to leave it in its natural
24 state for passive recreational use.
25 MR. CHAIRMAN: So that light area

that's in the red is the lawn?

MS. FISCHER: Yes, primarily.

MR. CHAIRMAN: That's not disposed of material?

MS. FISCHER: It didn't show up as dredge spoil on the title wetland map. So I cannot say for sure, but it's not identified as a dredge spoil site. It was a lawn area that was part of the property to the south. The owner of both properties to the south and this property were one lot developed at one point in time. The northern lot just has this. It doesn't have any structures on it other than this.

MR. CHAIRMAN: Thank you.

Do we have a motion?

MR. KAUFMAN: I make the motion for an Unlisted Negative Declaration.

MR. MACHTAY: Second.

MR. CHAIRMAN: All in favor?

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: All opposed?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Motion carries.

1 Updates on County Park.
2 Nick?
3 MR. GIBBONS: Nick Gibbons, Parks
4 Department.
5 Larry, I did not prepare much but I
6 am looking to do that for next month. I
7 saw that the Legacy Village issue was on
8 the agenda, so I figured it would be a
9 relatively longer meeting than I see it
10 was.
11 I just want to open it up to any of
12 your questions but I am planning on
13 taking -- we have been through now both
14 Blydenberg and Cedar Point County Parks.
15 I will be picking another park that I
16 will talk to Christine about to see what
17 the agenda looks like for next month.
18 My intention is to do another review on
19 one of our more formal parks next month.
20 MR. CHAIRMAN: Given all the budget
21 crisis and in everybody experiences, how
22 are our parks fairing and how is upkeep
23 doing?
24 MR. GIBBONS: Let's start with the
25 easy one.

1 MR. KAUFMANN: We like to put you
2 on the spot.
3 MR. GIBBONS: I think they're doing
4 very well considering the staff. We
5 have 150 full-time staff. We hired,
6 again, an additional 400 seasonal staff
7 approximately every Summer. Obviously,
8 that's winding down as is our season.
9 This the time of year where we turn to
10 more of our passive properties to do
11 upkeep and maintenance.
12 I will tell you that our
13 environmental stewardship divisions of
14 which I had, we have been very
15 successful in acquisition of additional
16 equipment to maintain this passive
17 parkland property. We have gone about
18 and identified parkland that lend
19 themselves to additional public access.
20 So we have picked up six or eight of
21 those more local park areas. They're
22 usually no more than 50 to 150 acres in
23 size. We identified appropriate areas
24 to make utilization of existing cleared
25 or disturbed areas for parking -- off

1 street parking trail heads and other
2 types of development, and we will
3 continue to do those during the
4 offseason, but we have done two or three
5 of those in the past six to eight
6 months. I am very please with that.
7 These are places that I have wanted to
8 get for many years and just haven't seen
9 fit to do so until now. We are making
10 headway in that sense. In terms of
11 routine and maintenance and upkeep,
12 we're doing the best we can with
13 existing staff. We are very much
14 reactive, unfortunately, that is either
15 constituent or a public official from
16 another ST will contact the department
17 to make us aware of either dumping
18 issues, encroachment, or what have you
19 on any number of properties and are
20 reactive in that sense. We're trying to
21 be proactive as best we can with other
22 areas we think deserve priority.
23 MR. KAUFMAN: Two quick questions
24 on Blydenberg?
25 One the house where the Green Belt

1 Trail is, I guess you would call it the
2 Old Manor House because that's where the
3 Wells used to live -- it overlooks the
4 lake over there. Through the years,
5 there have been a number of trees that
6 have grown up between the house and the
7 lake primarily right before you -- you
8 have the house and you have the lawn
9 that faces south and then you have a
10 tree line and then you have a slope
11 going down and it has basically knocked
12 out the view, if you will, from the
13 house of the lake. I just got two view
14 sheds, if you will, to the right and to
15 the left there is no direct view. Has
16 there been any consideration given to
17 maybe trimming back some of those trees
18 and not knocking them down or anything
19 like that? Trimming them back possibly
20 and opening up that view again the way
21 the view used to be a long time ago.
22 MR. GIBBONS: Yes, there has. The
23 area that you're talking about is
24 opposite of the Well's House, but it is
25 within the Historic District. That

1 particular spot has been the subject of
2 not one but two DEC violations in which
3 the Parks Department, without formal
4 approval of the DEC, took it upon
5 themselves to maintain the pruning.
6 What happens is, over the course of
7 several years of not maintaining that
8 view, the vegetations grows up to a
9 point where it is know longer
10 maintenance and you actually have to get
11 a permit from DEC to do that. Not so
12 much that it's in proximity to the lake
13 itself, but the entire park is within
14 the river corridor for the Nissequogue
15 River.
16 MR. KAUFMAN: That's where DEC
17 comes in?
18 MR. GIBBONS: Yes, correct. The
19 previous violation was 12 or 14 years
20 ago. The most recent was maybe two or
21 three years ago. Rich and I have both
22 discussed this. It is a priority for
23 the both of us to reestablish that view
24 and keep it maintained. We met with DEC
25 and they didn't pursue the formal

1 violation but we did discuss with them,
2 at length, moving forward and how it
3 would serve that they recognize the
4 historic view there. Rich was able to
5 provide documentation that shows that
6 view but, mind you, most of those
7 documents are dated back to the 60's or
8 early 70's.
9 MR. KAUFMAN: Also, the trees over
10 there are from the 1950's to the 1960's
11 and you can see when they were planted
12 by the calibers and the size of the
13 trees.
14 MR. GIBBONS: There are two spots
15 in particular. One larger than the
16 other that do lend themselves to this
17 vista pruning. They're shrubbery
18 vegetation but they have, as most pine
19 species will, they will colonize the
20 area and block that view which is the
21 current condition we have now.
22 There is a right and wrong way to
23 do it. DEC has expressed to us how they
24 would like to see it proposed. That's
25 something that's on our list for the

1 offseason. I would like to pursue
2 getting that permit lined up with DEC.
3 We certainly have the ability inhouse to
4 make that happen. It's not as if the
5 vegetation is particularly difficult to
6 remove, but they do not want us
7 disturbing nor otherwise undermining
8 that slope which you know is significant
9 down to Snow Pond and we don't want that
10 either. We have a recreational trail
11 right at the toe of that slope so, yes,
12 it's on the list and we're aware of it.
13 MR. KAUFMAN: Frankly, you get a
14 good tree pruning tool, and it will take
15 out half of that stuff in about an hour.
16 MR. GIBBONS: Well, the idea is
17 that we want to taper the view of the
18 vegetation so as you go down the slope,
19 you can't simply continue to cut things
20 that are two or three feet high. They
21 want to maintain that slope height.
22 MR. KAUFMAN: I am talking about
23 the top of the slope. I was down there
24 and it struck me that we were loosing
25 something in terms of the historic

1 aspect.
2 MR. GIBBONS: It is temporarily
3 impaired, if not lost, but it's not
4 something that we're turning away from.
5 MR. KAUFMAN: The second thing is
6 just out of curiosity.
7 The Mill House has reconstruction
8 going on over there and the reason I
9 bring that up is we had a lot of rain in
10 the Spring and we almost had overflow
11 conditions in the lake itself -- over
12 embankments and it was going down the
13 raceway and things like that. Now we're
14 showing it in a drought period and water
15 has dropped in the area. I am just
16 curious what the status was with
17 reconstruction. I believe we had a
18 contractor or something like that.
19 MR. GIBBONS: Well, let Richard
20 discuss the actual project itself.
21 In terms of the lake level, we have
22 a benchmark in the lake that's been
23 established for many years. We
24 coordinate, as you and I have discussed,
25 dropping those levels in anticipation of

1 a hurricane event or some other large
2 storm event. We have been doing that
3 for many years. We coordinate that very
4 closely with state parks, obviously,
5 with downstream from us; so they need to
6 know when we're dropping water from
7 Stump Pond and the Miller's Pond up
8 above that. Both you and the local
9 Legislator are well aware of our policy
10 regarding that. It has not effected the
11 Mill except for the fact that the Mill
12 project requires that the smaller
13 original spillway needs to be closed so
14 no water is crossing over that at this
15 point in time. So it is coming over the
16 larger spillway to the west and that
17 spillway certainly can handle that
18 initial capacity, but it is important
19 for the success of the Mill project
20 which involves footings and other things
21 that the de-watering of that site is
22 very -- as complete as we can get it.
23 MR. KAUFMAN: Is it de-watering
24 right now?
25 MR. GIBBONS: Yes. We have a

1 bypass which is also a spring that feeds
2 that area around the mill and that's
3 being bypassed as well to get as much
4 water as we can away from the mill while
5 we do the project.
6 I'll let Rich discuss the specifics
7 in terms of an update.
8 MR. MARTIN: The project is moving
9 along. We have done a lot of work on
10 the base floor -- first floor with the
11 splicing and timber-frame members that
12 have been rotted through. The sills
13 have been replaced and there is no real
14 problems at this point proceeding
15 forward. We did have to bring in a
16 consultant to test the larger framing
17 members to see their conditions which is
18 part of their job. We were not sure if
19 we had to do that or not. When the
20 contractor took the siding off, there
21 was additional damage to the framing so
22 we dd go ahead with that and we will be
23 having a meeting next week.
24 MR. KAUFMAN: What was the
25 condition? Was it pretty much battered?

1 MR. MARTIN: No, what we tried to
2 do first was save what we could and most
3 of it was recognized by the first study
4 of the building. We wanted to confirm
5 that the framing members that we were
6 leaving were in decent shape and
7 possibly can just be epoxied to take
8 care of the problem and not be removed.
9 MR. CHAIRMAN: Jim?
10 MR. BAGG: Just as a point of
11 information, the Old Historic Trust
12 Manual has a picture of the Mill House
13 on there. We went back and did some
14 historical review and there was a
15 picture of the Mill from the 1800's. It
16 was a one-story structure which had a
17 second level added onto it and the
18 country behind the Mill did not have a
19 tree on it.
20 MR. KAUFMAN: How old was the
21 picture?
22 MR. BAGG: It was from the 1800's.
23 There was not a tree around the entire
24 lake or behind the Mill House or
25 anything.

1 MR. KAUFMAN: They would float down
2 the Nissequogue River to send things to
3 New York City and also the fact that the
4 Mill was there to cut wood and that's
5 why it got struck down.
6 MR. MACHTAY: Just as a point of
7 information and I don't know if anybody
8 saw it in Newsday but the Brookhaven
9 Grist Mill -- Stony Brook Grist Mill was
10 electrified by some students at Stony
11 Brook in the Mechanical Engineering
12 Department. They said that it had the
13 ability to create enough electricity to
14 supply two houses, and it makes you
15 wonder if some of these parks have
16 things like this that they couldn't be
17 known to you during the season to
18 provide whatever electric that they
19 need.
20 MR. KAUFMAN: In Europe, they
21 actually are taking a lot of the old
22 races and mills that they used to have
23 and mountain streams and make a small
24 electrical units that they can place in
25 these mills and in these stream

1 impellers and things like that to power
2 a house or to power two houses.
3 Basically, it's a mini electrical plant
4 and they're putting them in and that's
5 one of the ways they're going green over
6 there. While we don't have the same
7 kind of slopes or anything like that, I
8 know in Ithaca they have done that on a
9 couple of streams where people put in
10 plants and they have impellers in the
11 river and that seems to help them. Just
12 some ideas to think about. I mean they
13 have done it at Grist Mill and I think
14 that would power part of Gloria
15 Rocchio's Shop. Just something to think
16 about.
17 MR. MACHTAY: I wonder if they're
18 selling the excess electricity back to
19 LIPA? The way we do it with the
20 landfill wile burning methane and
21 creating electricity or whatever the
22 town doesn't use.
23 MR. KAUFMAN: It's just a meter and
24 it's all you have put in.
25 MR. MACHTAY: I wonder if it goes

1 back to LIPA's grid?
2 MR. CHAIRMAN: Nick, I have several
3 things for you to consider.
4 It's been a while since I heard a
5 update on the Roosevelt County Park or
6 the Rusty Lever. (Phonetic) I used to
7 hear about Rusty at about every meeting
8 and I miss that.
9 MR. GIBBONS: We did talk briefly
10 about that. You had asked me to look
11 into the status of the contract, and I
12 can't say from memory what that was but
13 I did provide that to the Council, I'd
14 say, maybe six or eight months ago.
15 MR. CHAIRMAN: The other one is the
16 Nature Conservancy. It has essentially
17 banned their burning program and since
18 that was intimately involved with our
19 east end parks, I was wondering if you
20 could inform us as to how that is
21 effecting your goals and objectives and
22 what you're doing about it?
23 MR. GIBBONS: Sure, I can do that.
24 That's true. The Nature
25 Conservancy has decided to ban the

1 program. As you know, Larry, that was
2 the subject of a lengthy debate here.
3 That project was a positive declaration
4 by the Council. We went through the EIS
5 process, and it's discouraging to say
6 that our partner in this project can no
7 longer sustain that relationship. We
8 also, in the past year or two, we
9 secured a grant for grassland
10 restoration at four specific county
11 parks sites such as Theodore Roosevelt
12 and Montauk County Park was one of
13 those. The grant was through the Water
14 Quality Protection Program update which
15 allows for habitat restorations. The
16 committee approved that for $250,000 or
17 $300,000 and the concept was that at
18 least partially one of the tools that we
19 would use, a TR, would be a prescribe
20 fire regardless of your persuasion one
21 way or the other and in light of the
22 Nature Conservancy backing out of that
23 program, I had asked for a determination
24 from the County whether we could use
25 that to purchase equipment to advance

1 our mechanical removal of woody
2 vegetation at Theodore Roosevelt. It
3 was the same objective, just a different
4 -- so that was approved by the board and
5 we went ahead and purchased the
6 equipment to advance those goals. The
7 equipment just came in this year. It
8 takes roughly 12 to 18 months to go
9 through the approval process to get a
10 piece of equipment, so we have that now.
11 We have a operator on staff and the idea
12 is to go back into that 290 acre
13 grassland management area approved by
14 the Council, and it seems that we're
15 going just in a more of a mechanical
16 direction at this point in time rather
17 than a fire direction.
18 MR. CHAIRMAN: When I spoke to the
19 Nature Conservancy about it, they
20 claimed there were two reasons of them
21 getting out of the business. One was
22 they couldn't afford it. Secondly,
23 their ecological goals were not being
24 met. I would be interested in hearing
25 your evaluation of ecological issues

1 that they claim are not being met by
2 prescribed burn? You dont have to do it
3 now.
4 MR. GIBBONS: I will just tell you
5 that it is hard to meet those goals when
6 you're not actually carrying out the
7 fires themselves. So, we have not
8 burned in Montauk in, let's say, six or
9 seven years now.
10 MR. CHAIRMAN: It's been that long?
11 MR. GIBBONS: Yes, it has.
12 So if you're not actually going out
13 there and doing it, it wouldn't surprise
14 anybody to see that you're not obtaining
15 the objectives. So without getting too
16 editorial regarding this relationship,
17 that's true, we're going in on it on our
18 own.
19 MR. CHAIRMAN: And mechanically?
20 MR. GIBBONS: Yes.
21 MR. BAGG: I had a student who
22 worked for the Nature Conservancy when
23 she got her degree and was involved in
24 the fire management out in Montauk. I
25 understand that after a couple burns,

1 they incurred a weed species coming in;
2 not the same plants that were already in
3 there and they were hoping they would
4 come back in.
5 MR. GIBBONS: That's true. That
6 was one of the things we discussed at
7 length when we went through the EIS
8 process. My arguments for the Council
9 at the time and it's still the same
10 today which is that I thought a more
11 realistic goal was at least structurally
12 we had a grassland whether or not the
13 species were exactly what we wanted.
14 It's true. We had quite a bit of
15 non-native and evasive species.
16 However, it was either that or woody
17 vegetation and recolonization by scrub
18 material. So, regardless of your
19 thoughts on the objectives of the
20 program, it was still true that we had
21 structural grassland that still had
22 wildlife and ecological benefits, but
23 it's true, as Jim suggested, that was
24 not a completely native restoration. We
25 did not have a whole sweet of native

1 species that were significant components
2 of what was out there.
3 MR. KAUFMAN: Was there an increase
4 in geradia and stuff like that?
5 MR. GIBBONS: The geradia was
6 brought by seed by Maryland Jordan and
7 in a test plot within the park and the
8 response to that was nice. It did
9 respond well. It occurs naturally in
10 other areas in the Montauk peninsula.
11 However, that requires regular
12 maintenance and disturbance regimen is
13 what that species really needs to
14 sustain itself.
15 MR. KAUFMAN: So, basically, the
16 concept that TNC presented to us, is
17 that they would be able to restore, if
18 you will, selective species that didn't
19 hold water?
20 MR. GIBBONS: Well, not if they're
21 participating in the program, no. It
22 really requires -- it's a very -- you
23 know, grasslands are our most endangered
24 habitat for that reason. They're lost
25 very quickly. I have to take it upon

1 ourselves at Parks to -- we have maybe
2 12 or 15 sites that are identified as
3 significant grassland habitats. I have
4 the guys mow those areas every two to
5 three years simply because to pull off a
6 prescribed burn takes about eight to ten
7 months of planning, and then a lot of
8 things have to fall into place in order
9 for that burn to occur. We don't have
10 the staff or the ability to do that on
11 your own and the partnerships are drying
12 up; not just at Nature Conservancy but
13 priorities in other municipal agencies,
14 as well, have to be their property
15 before they come and play on ours and
16 that's just the reality of it. So, we
17 have gone the mechanical way and I can
18 predict that we don't need this very
19 finite set of circumstances to fall in
20 place and to go ahead and do that. We
21 can also do it on the offseason and
22 mitigate some of the wildlife impacts
23 that you have when they do the
24 prescribed fire in May.
25 MR. KAUFMAN: Just getting back to

1 the primary question at least with
2 Roosevelt Park -- while a grassland type
3 environment may have been created by
4 these prescribed burns, we're not seeing
5 exactly what they -- what TNC had been
6 hoping and we're seeing different
7 colonizations.
8 MR. GIBBONS: That's true, but I
9 would say in their defense -- believe
10 me, it is not my primary objective to
11 defend them here today but your goals
12 are always greater than your results.
13 Any good plan would have that. While
14 they want the ultimate objective with
15 restoring native maritime grassland
16 habitat, we did that at least partially
17 successfully. Again, I don't think it
18 was given the full ability to succeed or
19 fail.
20 MR. PICHNEY: One more comment.
21 It just seems to me that over the
22 years there are so many non-native
23 evasive species around that were not
24 there 25 to 50 years ago. That trying
25 to reseed with the native species,

1 they're simply overwhelmed. I don't
2 know if you agree with that.
3 MR. GIBBONS: There are two
4 comments I will make to that. One is
5 sort of makes the connection between the
6 TR project and the invasive species
7 project. The Nature Conservancy has
8 also, unfortunately, terminated staff
9 that were dedicated to the invasive
10 species management. We worked very
11 closely with them. In particular, I may
12 have mentioned that at Cedar Point it
13 was identified that those 600 acres in
14 the northwest woods that make Cedar
15 Point County Park, were identified as --
16 I forget the official term but basically
17 a weed-free zone. It was an area that
18 they wanted to combat what little
19 invasive we had there to kind of draw
20 the line in the sand and make that an
21 example. I am not sure if I mentioned
22 that to the group in the past. We
23 worked very closely TNT to identify
24 those areas that had non-native invasive
25 species with the exception of

1 fragmities. We considered that to
2 complicated to address and that was
3 fine. I can live with that. The other
4 eight or ten species that were
5 identified in the park, we worked
6 hand-in-hand with TNT, quite literally,
7 with my crew that was under my direction
8 and TNT staff and volunteers went and
9 physically removed those species from
10 the site.
11 We also did a chemical treatment of
12 vilantis. (Phonetic) I'm not sure if
13 that is something we discussed in the
14 past. So, unfortunately, that
15 initiative is also going to hit a couple
16 of bumps.
17 The other point I wanted to make is
18 it participates very closely with the
19 soil and water conservation district and
20 what is called the Long Island Native
21 Grassland Initiative. The goal of this
22 group is to raise and collect seeds
23 locally and to use that on restoration
24 projects. We have done that. We're
25 just starting to develop enough of a

1 surplus in this seed to go ahead and try
2 and use this locally grown seed with
3 restoration projects within the County
4 Park system.
5 Prior to that, I was purchasing
6 seed from places like Maryland,
7 Pennsylvania, and Colorado. These are
8 commercial outfits that provide native
9 seed, but there's at least a community
10 of people who believe that locally
11 raised seed is preferable to these
12 commercial growers. While that may be
13 true, I'm not sure if there is really
14 ecological justification for that. It
15 seems the more locally you can go, the
16 better. I am not entirely committed to
17 the idea that there is variation within
18 the geno-types beyond specie specific
19 but the geno-types that make up these
20 species themselves. I am not convinced
21 that there is really a significant
22 difference there, however, the
23 contention is that locally raised seed
24 is -- has adapted in ways we don't
25 understand yet to local conditions.

1 MR. PICHNEY: Right. It's more of
2 a micro-climate or a local environmental
3 issue than a gene-type.
4 MR. GIBBONS: But I am not sure
5 that there is a significant difference
6 between here and New Jersey and
7 Maryland. I am not sure of that
8 personally.
9 Would you like to go to at least
10 Theodore County Park next month just as
11 an overall --
12 MR. CHAIRMAN: Okay. Thank you.
13 Before you leave, sir, you
14 mentioned you went to the Brookhaven
15 Town Board meeting last night?
16 MR. MC CONNELL: Yes.
17 MR. CHAIRMAN: Could you comment --
18 if you -- what is your sense of where
19 Brookhaven, as a government, is coming
20 down on the Legacy Village issue?
21 MR. MC CONNELL: That's interesting
22 because a couple of comments were that
23 they didn't like it in its present form.
24 They're not really making statements for
25 or against because at some point, it

1 will have to come to them to decide the
2 zoning -- change the zoning on this.
3 I mentioned, one time last year, I
4 said -- I raised a question to the town
5 board because one or two of the members
6 had said -- I think their exact words
7 were that "they did not like the Legacy
8 Village in its present form" and the
9 houses were too -- it was kind of like a
10 generic statement. I don't know.
11 Governments are looking for sources of
12 revenue. I don't know to tell you the
13 truth.
14 MR. MACHTAY: My experience with
15 these things is that the government can
16 give the impression of having a
17 preconceived conclusion to the SEQRA
18 review and if they do, SEQRA become
19 faulty. They're being very cautious of
20 what they're saying and when they don't
21 say things that are not specific, don't
22 think that's a bad thing.
23 MR. MC CONNELL: I understand why
24 they're saying that. Yes, they can't --
25 MR. KAUFMAN: I know of one

1 decision, for example, in my hometown
2 where the planning director said
3 something to the newspaper and the very
4 decision that he made was later thrown
5 out. It was an ecological disaster in
6 the court system.
7 MR. MACHTAY: I had my town board
8 say something to try and please the
9 audience and --
10 MR. KAUFMAN: I saw part of it on
11 Channel 55 last night and also I was
12 watching part of the hearing on
13 television.
14 The Town of Brookhaven is talking
15 very heavily about preservation of the
16 Carman's River itself and at least
17 several hundred yards off of it to the
18 east and the west access. They're
19 trying to limit development and identify
20 what is in there. What's interesting is
21 looking at their maps and comparing it
22 to our site maps, they don't fully come
23 concise with Parcel A. That again, was
24 based upon what I could see on video
25 screen.

1 MR. MC CONNELL: That's exactly
2 what they were talking about last night.
3 It was the difference in mapping and so
4 on.
5 Sitting next to me are Audrey and
6 Bob Kessler. They live on the lake and
7 they have done a lot of research for
8 years at their own expense to the lake.
9 MRS. KESSLER: We paid an engineer
10 to do the whole upper lake which is what
11 we call Willow Lake to bring it back to
12 its historic name. We paid for it to
13 make sure how the bottom is doing and
14 the whole lake itself. We paid it out
15 of our savings to make sure what was
16 going on in there. We didn't trust
17 anybody else with the right information
18 and stuff like that in the lower lake.
19 We studied our own water on the whole
20 upper and lower lake. We do it once a
21 month and we also have somebody else
22 check it.
23 MR. KAUFMAN: Have you given any of
24 that information to the County at all?
25 MRS. KESSLER: We gave it to

1 everybody. We have a website and
2 everything that we collect is on that
3 website. In fact, the Town is using our
4 website because our information is
5 accurate.
6 MR. CHAIRMAN: Was your lake the
7 one that was actually going back to
8 earlier comments on the DDT -- your lake
9 is the one where DDT was actually
10 noticed?
11 MRS. KESSLER: Yes.
12 MR. CHAIRMAN: Distorted fish?
13 MRS. KESSLER: Fish kill.
14 MR. MC CONNELL: One last comment.
15 Last weekend or the weekend before,
16 the Pine Barrens Society made us a video
17 of the Carman's River -- you know,
18 different segments on the people in
19 canoes. Bob and I were the canoe
20 carriers. They tested the water. It's
21 off of Gerrard Road and Camp Olympia.
22 You go in there and you can drive a
23 truck so far and so on, but it has a
24 classic pine barrens and it is beautiful
25 there. It's like your a hundred miles

1 from no where -- streams, open fields --
2 MRS. KESSLER: Open fields,
3 turkeys, and all the wildlife is there
4 and the field is just natural. Then you
5 go down to the river, and it is
6 beautiful and we do want to preserve it.
7 That's why we're worried about Legacy
8 Village. I will leave this here, but
9 everything is on our website.
10 MR. CHAIRMAN: We appreciate your
11 interest.
12 Moving onto other business. For
13 your September thrill, I will not be
14 here and Mike Kaufmann will be Chairman.
15 I can predict that we will not follow
16 the agenda.
17 Maryann?
18 MS. SPENCER: One further comment
19 on the draft. I would recommend that
20 those members of the CEQ that were not
21 here today, get mailed a copy of this
22 draft. I would ask that any changes or
23 comments could be forwarded to Richard,
24 myself, or Larry by the next meeting.
25 MR. CHAIRMAN: Okay.

1 MR. BAGG: And the staff, please.
2 MS. SPENCER: And Mike Mule too.
3 MR. MARTIN: It's probably better
4 off if it went to planning and then to
5 us.
6 MS. SPENCER: Yes, and please give
7 the directions to other members that
8 were not here letting them know this is
9 a draft and that their comments are to
10 go to Mike by next meet.
11 MR. CHAIRMAN: Mike, you were going
12 to give us an update on SEQRA?
13 MR. MULE: DPW has been operating
14 under Generic Type 2 Resolutions that
15 CEQ reviewed back in 1995 for repaving,
16 roof replacement, and other typical Type
17 2 Actions. The problem was that SEQRA
18 citations were under the previous rules
19 and regulation which are no longer
20 relevant.
21 We met with DPW the other day and
22 we discussed the issues. What we
23 decided to do was instead of reviewing
24 the same thing all over thing, we're
25 going to issue new resolutions and

1 review them from the other approved
2 resolutions and whereas' stating that
3 CEQ reviewed it and referenced it in the
4 original Type 2 Resolution, and then it
5 resolves from making a new updated SEQRA
6 citation.
7 MR. CHAIRMAN: Thank you.
8 Any other business?
9 (WHEREUPON, there was no response.)
10 MR. CHAIRMAN: No CAC today?
11 (WHEREUPON, there was no response.)
12 MR. CHAIRMAN: Do we have a motion?
13 MR. KAUFMAN: Motion.
14 MR. MACHTAY: Second.
15 MR. CHAIRMAN: All in favor?
16 (WHEREUPON, the Council voted.)
17 MR. CHAIRMAN: Motion carries.
18 (WHEREUPON, this meeting of the
19 Suffolk County Council for Environmental
20 Quality was concluded at 11:26 a.m.)
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2
3 C E R T I F I C A T I O N
4
5 STATE OF NEW YORK)
6 :ss
7 COUNTY OF SUFFOLK)
8 I, MELISSA POWELL, a Shorthand Reporter and
9 Notary Public of the State of New York, do hereby
10 certify:
11 That the within transcript was prepared by me and is
12 a true and accurate record of this hearing, to the best
13 of my ability.
14 I further certify that I am not related to any of the
15 parties to this action by blood or by marriage and that
16 I am in no way interested in the outcome of this matter.
17 IN WITNESS WHEREOF, I have hereunto set my hand this
18 18th day of August 2010.
19
20 Melissa Powell
21 MELISSA POWELL
22
23
24
25