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SUFFOLK COUNTY DEPARTMENT OF PLANNING  
COUNCIL ON ENVIRONMENTAL QUALITY

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100 Veterans Memorial Highway  
Hauppauge, New York 11788

Date: September 15, 2010

Time: 9:30 a.m.

MEMBERS PRESENT:

MICHAEL KAUFMAN, Acting Chairman

EVA GROWNEY (Until 10:30 a.m.)

RICHARD MACHTAY

GLORIA G. RUSSO

MARY ANN SPENCER

HON. VIVIAN VILORIA-FISHER

THOMAS ISLES, Director of Planning

RICHARD MARTIN, Historic Society

Representative

MICHAEL MULE, Senior Planner

CHRISTINE DeSALVO, CEQ staff

STEVE BROWN, Town of Brookhaven CAC  
(Until 11:05 a.m.)

MICHAEL PITCHER, Director of Communications  
for Presiding Officer

THOMAS YOUNG, ESQ., Ass't County Attorney

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SUFFOLK COUNTY DEPT. OF PLANNING  
2010 OCT -5 AM 11:24

1 9/15/10 CEQ meeting

2 THE CHAIRMAN: I'm going to call the meeting  
3 to order. My name is Mike Kaufman, the vice chairman of  
4 the Suffolk County Council on Environmental Quality.  
5 Today is the September 15, 2010 meeting. We do have a  
6 quorum, so we can begin the meeting. We will be jumping  
7 be around a little bit on the agenda. One of our  
8 members is not here yet, plus also -- Ms. Viloría-Fisher  
9 is here. I wanted to give everyone time to show up. Is  
10 Loretta here?

11 MS. FISCHER: Yes.

12 THE CHAIRMAN: Loretta, we're going to start  
13 off with you. This would be the proposed acquisition  
14 for open space purposes known as Beaverdam Creek County  
15 Wetlands addition.

16 MS. FISCHER: Good morning. Loretta Fisher,  
17 Principal Environmental Analyst, Department of  
18 Planning. Before you today I have one acquisition in  
19 the Beaverdam Creek county wetlands area in the Hamlet  
20 of Brookhaven, Town of Brookhaven. We are acquiring  
21 seven point six acres of a nine point six acre lot. As  
22 you can see on the map, there is a two acre cut out,  
23 including an existing structure that was used as a  
24 residence, and there also was a pool on the northeast  
25 corner of the property, one little portion of which is

1 9/15/10 CEQ meeting

2 in the section that we are taking. That will be  
3 demolished and there will be no structures on the  
4 property that we are to acquire. It's primarily mature  
5 woodland.

6 There is a swale area on eastern side of the  
7 property that has an association with the property to  
8 the south that the county owns. This then feeds into  
9 Beaverdam Creek itself. The property to the west,  
10 outlined in orange, we are in the process of hoping to  
11 acquire that parcel as well. We would like to move that  
12 one forward and get your approval.

13 THE CHAIRMAN: Any questions for Loretta from  
14 the members? Rich.

15 MR. MACHTAY: How big is the property to the  
16 west?

17 MS. FISCHER: It's about fifteen to twenty  
18 acres.

19 MR. MACHTAY: I'll make a motion. Unlisted.

20 MR. BROWN: Second.

21 MR. MACHTAY: Neg Dec.

22 THE CHAIRMAN: All in favor? Objections?  
23 Absentions? Motion carries. One question for you,  
24 Loretta, on this project. I'm looking at the lower  
25 right-hand portion. It appears to be a small stream or

1 9/15/10 CEQ meeting

2 brook; is that Beaverdam?

3 MS. FISCHER: That feeds into Beaverdam, yes.

4 That is Beaverdam, a portion of it.

5 THE CHAIRMAN: Thank you. We don't have any  
6 other acquisitions?

7 MS. FISCHER: No, that is it for today. Thank  
8 you.

9 THE CHAIRMAN: Just to let the members know,  
10 the Kennedy bill has been adjourned at the legislators'  
11 request for the next month, so we won't really be  
12 dealing with it, unless anyone wants to talk about it at  
13 the end of the meeting.

14 Declaring ninety-five acres of the Yaphank  
15 area surplus, and there is a letter I wrote in response  
16 to his memo. We will do some of the Historic Trust  
17 stuff right now, an update on the Housing Program and  
18 update on the custodial agreements.

19 MR. MARTIN: I thought I'd put that time  
20 towards going over the manual. There is nothing new to  
21 input towards those two items.

22 THE CHAIRMAN: In which case we will hold  
23 those in abeyance, okay. We will hit the fun stuff.  
24 Proposed final scoping document for the Draft GEIS for  
25 the declaration as surplus and subsequent sale of two

9/15/10 CEQ meeting

1  
2 hundred fifty-five plus or minus acres of county owned  
3 land in Yaphank for mixed development purposes, in the  
4 Town of Brookhaven; also known as the Legacy Village  
5 project EIS.

6 I want to read a couple of things into the  
7 record so that all the members are clear what we are  
8 doing today. Mike Mule will be talking about it and  
9 also one of the consultants is here from Cameron  
10 Engineering. There is a fair amount of documentation  
11 here. We have maps, the new scope, the old scope. We  
12 also have the comments on the draft scope, et cetera.  
13 We will have a public portion to this, but I want to go  
14 into one thing first.

15 You have to remember what the scope's purpose  
16 is. It is basically to provide a basic road map for  
17 preparation of an EIS. It's a preliminary assessment of  
18 the likely issues to be assessed or examined. It's  
19 primarily a guide, more than anything else. It is not  
20 determinative of any final answers; rather just asks  
21 questions that need answers. It's formed by public and  
22 professional comment.

23 The public comment period is over as to where  
24 the EIS should go, the concerns expressed by the public  
25 earlier this year after several scoping meetings and

1 9/15/10 CEQ meeting

2 after written comments that were accepted. They are  
3 noted and form part of the actual document. These  
4 concerns are listed in the response to the public  
5 document as prepared by Cameron Engineering. They have  
6 been placed in the scope itself where relevant. All  
7 comments relevant were assessed and organized for review  
8 for CEQ and where appropriate placed in the scope. The  
9 comments are not answers; they are guides at this point  
10 in time and responses for the content of the scope and  
11 to guide CEQ as to where we are supposed to go. They  
12 are preliminary road maps. They are not determinative  
13 of precise issues.

14 We don't have answers at this point in time.  
15 The issue today for CEQ is approval of a scope for  
16 subsequent submission to the legislature pursuant to the  
17 Suffolk County Charter. Our job and the parameter of  
18 our decision is to see if the scope has met public and  
19 CEQ concerns, whether it meets SEQRA requirements,  
20 whether the road map is complete enough to begin the  
21 EIS. In other words, under SEQRA, is the scope adequate  
22 to guide the development of the EIS and discuss the  
23 identified issues.

24 The scope has changed somewhat since our  
25 August meeting to reflect some of the issues that CEQ

1 9/15/10 CEQ meeting

2 raised at that time. The biggest changes are a better  
3 expressed commitment to examining the impact on the  
4 Carmans and general environment of the area. No  
5 development alternative as a fully developed analysis  
6 has been placed in the scope. There is going to be some  
7 language changes indicating a very full analysis needs  
8 to be done on the impact on Yaphank's character and  
9 development. You can see the changes in the documents  
10 that have been sent to you and also the final comments  
11 of the consultant.

12 Last week, Larry and I went over the document  
13 line by line with Tom Isles and with Mike Mule and with  
14 the consultant to assure SEQRA compliance before these  
15 documents were sent out to the members. Before we begin  
16 our deliberations, Mike Mule and the consultants will  
17 eventually give us their analyses of the scope changes  
18 and basically look at the salient issues. We also have  
19 to have a public portion. The public has to be heard  
20 from, and they do get what I like to say several bites  
21 of the apple.

22 Today will be somewhat limited. Each speaker  
23 will get three minutes. Public comment should address  
24 only the SEQRA compliance of the scope to assist CEQ,  
25 i.e., has the scope met its burden of production under

1 9/15/10 CEQ meeting

2 SEQRA. Are there any SEQRA flaws. This is not an  
3 examination of project flaws, if any. The comments  
4 about the validity of the project, whether it should  
5 proceed or not, whether it's good or not, are not  
6 germane to what we are going through today. This is a  
7 technical exercise we are going through looking at how  
8 the EIS is to be developed. We don't have answers yet.  
9 No one knows where this is going one way or the other.  
10 We are essentially dealing with adequacy of scope more  
11 than anything else.

12 Once the EIS is under way, it will go through  
13 several iterations, including a draft GEIS that the  
14 public will be allowed to comment upon the GEIS at that  
15 time. And also I believe be allowed to comment when the  
16 final is put out there. There is plenty of time for  
17 people to discuss issues. We heard the preliminary  
18 issues. We have an idea of where everything is going.  
19 This is more for design work on the EIS itself and as to  
20 where it will at least preliminarily go.

21 It's been my experience through the years that  
22 the EIS's change as they go along. What we have in the  
23 scope may change itself in the future. Again, this is  
24 just a basic road map to get to where we need to go.  
25 It's a start of the process more than anything else. It

1 9/15/10 CEQ meeting

2 reflects public and professional opinions.

3 Mike, do you have anything?

4 MR. MULE: In the packets you have the  
5 revised final scope, a marked up version of the original  
6 draft scope showing the changes from that one to that  
7 one. This accounts for the comments from the March 16th  
8 meeting, the extended written comment period, the  
9 meetings held with Brookhaven and the New York State  
10 Department of Transportation, and also comments at the  
11 August 18th CEQ meeting. Also there is a memo from our  
12 consultants outlining the comments made throughout the  
13 comment period, and how they addressed them in the  
14 document, or ones that weren't substantive and why they  
15 were disregarded. Some of the more substantive comments  
16 addressed in the final document were analyzing the  
17 project in a parcel by parcel basis, so once we go  
18 through the process, they can be perceived as one whole  
19 project or the county can decide at that point to  
20 piecemeal it out and deal with each parcel separately.

21 We also included an open space alternative  
22 that was brought up at the last meeting and expanded the  
23 sections on the impacts and mitigation measures. As  
24 Mike said before, what this is basically, does this  
25 final version address the comments raised sufficiently.

1 9/15/10 CEQ meeting

2 I don't know, Janice, do you have anything?

3 MS. JIJINA: No, you covered it pretty well.

4 MR. ISLES: I would like to add, of course,  
5 the action of the CEQ has to go before the Suffolk  
6 County Legislature. They will take it under review and  
7 make the final determination as to the extent of the  
8 scope.

9 THE CHAIRMAN: One interesting aspect of it,  
10 as I was looking through the documents, the Kennedy bill  
11 that was originally going to be considered today, it's  
12 been adjourned, as I said earlier, but many of its  
13 elements were recognized as being somewhat valid in  
14 terms of possibly selling off individual parcels. That  
15 was introduced into the scope and that will be looked  
16 at. So, in many ways his bill has been, I don't want to  
17 say superceded, but the purpose of his bill has been  
18 included inside the GEIS.

19 MS. VILORIA-FISHER: How is that done; is  
20 that done with the other comments? Does it indicate  
21 that it came from that source?

22 THE CHAIRMAN: No, it it doesn't indicate  
23 where it came from.

24 MR. MULE: It's part of the project  
25 description.

1 9/15/10 CEQ meeting

2 MS. VILORIA-FISHER: May I ask another  
3 question? I didn't understand your memo very well,  
4 your memo to Mike about your comments and the  
5 definition. Can we go over it quickly?

6 MR. MACHTAY: The hundred acre parameter for  
7 Type I action doesn't always apply. It could be a ten  
8 acre threshold, as described in SEQRA under 617.4(b),  
9 6(i). I quoted SEQRA in there.

10 MS. VILORIA-FISHER: Let me find it and I'll  
11 ask you later. Maybe I'll ask you one-on-one. It's a  
12 little confusing. I thought I would ask it on the  
13 record.

14 MR. ISLES: That applied to the Kennedy  
15 proposal for Area D?

16 MR. MACHTAY: Yes.

17 MR. ISLES: There are several thresholds for  
18 a Type I action. One threshold, this is a parcel of  
19 greater than one hundred acres.

20 MS. VILORIA-FISHER: It has to be listed or  
21 defined in Type 1 or something?

22 MR. ISLES: There are a number of thresholds,  
23 one of which if a parcel is more than a hundred acres.  
24 Rich pointed out, rightfully so, there are other  
25 thresholds, including clearing more than ten acres of

9/15/10 CEQ meeting

1  
2 land. He wanted to make the point, I believe - I don't  
3 want to speak for him - the fact this is less than a  
4 hundred acres doesn't necessarily mean it's not a Type I  
5 action. It's tabled today, so it's not really before  
6 you.

7 MR. MACHTAY: Mike said in his memo that I  
8 said that I thought it was a Type I action, but he  
9 didn't say why I thought it was a Type I action. I  
10 didn't want anybody to misunderstand my opinion, so to  
11 speak. You can't make something out of thin air. It  
12 has to be on the list of Type I actions.

13 THE CHAIRMAN: There are several different  
14 triggers.

15 MS. VILORIA-FISHER: That it wasn't on the  
16 list. I wasn't sure what that list included.

17 MR. MACHTAY: Less than a hundred acres is on  
18 the list. The trigger would be ten acres if it's a  
19 non-residential project and there were activities  
20 leading up to the development. Now, if you consider  
21 surplusng the property and selling the property  
22 activities, then it's a matter of semantics.

23 MS. VILORIA-FISHER: You have explained it.  
24 I get it. We don't have to spend more time on it. I  
25 didn't understand what you meant by the list. It's the

1 9/15/10 CEQ meeting

2 list of types under Type I action.

3 MR. MACHTAY: Yes.

4 THE CHAIRMAN: We have to get into that, not  
5 right now. Rich and I have a difference of opinion on  
6 how far that trigger goes. Nothing that is dispositive  
7 or anything like that. I would like to eventually  
8 discuss it with the council.

9 MS. VILORIA-FISHER: I didn't want to  
10 sidetrack the meeting. I read the memo and I didn't  
11 understand what you were saying.

12 THE CHAIRMAN: By the way, in the project  
13 description, the county has the option to sell the  
14 entire two hundred fifty-five acres to one developer, or  
15 to sell portions of the property at different times  
16 and/or multiple purchases. That is the thrust of the  
17 Kennedy bill.

18 MR. MULE: Our consultants are going to  
19 address the impacts and mitigation measures together and  
20 parcel by parcel, so we will be able to determine  
21 mitigation.

22 THE CHAIRMAN: Let's do the public comment.  
23 Anyone here from the public who would like to speak on  
24 this particular project?

25 MR. MORRIS: Daniel Morris, with the Open

1 9/15/10 CEQ meeting

2 Space Council. Having not seen the draft, I'm a little  
3 confused as to the discussion just had about segmenting  
4 the four parcels separately out. Is this after the GEIS  
5 has been completed and all the impacts are considered,  
6 or is this prior to the conclusion of the environmental  
7 impact review?

8 MR. MULE: It's going to be looked at in the  
9 Environmental Impact Statement. The result of the  
10 impact statement will allow the county to proceed with  
11 the entire project as a whole, or decide to piecemeal it  
12 out, you could say, and deal with each parcel  
13 separately. That would be after a final adoption of the  
14 impact statement.

15 THE CHAIRMAN: That would not be segmentation  
16 or anything like that because we are analyzing it as an  
17 EIS. It's simply options.

18 MR. MORRIS: My understanding of the Kennedy  
19 bill was that the ninety-five acre, was to be declared  
20 surplus and offered for sale prior to the completion of  
21 the environmental review. That is not going to be the  
22 case?

23 THE CHAIRMAN: Right now, the bill is in  
24 limbo right now. It's been adjourned for several  
25 months. Legislator Kennedy could not make it here

1 9/15/10 CEQ meeting

2 today; he had a prior commitment. As such, the bill is  
3 still in existence. It could be submitted to the  
4 legislature eventually.

5 Many of the ideas that were contained in it  
6 have been placed into the scope, but the bill itself has  
7 not been passed and it's not dispositive of anything.  
8 It's not a policy yet of the county. It may never be.  
9 We don't know. Again, there are aspects of it that we  
10 thought were worthy of placing it into the scope.

11 MR. MORRIS: I'm trying to understand, does  
12 the adoption of this scope finally essentially kill the  
13 Kennedy's bill --

14 THE CHAIRMAN: No.

15 MR. MORRIS: Effect on the environmental  
16 review?

17 THE CHAIRMAN: Has nothing to do with that.  
18 It's separate and apart from that. We are dealing today  
19 with the scope. The scope is part of a process that the  
20 county legislature mandated begin when it accepted the  
21 CEQ positive declaration back in January or February of  
22 this year. We are required to undertake an EIS process.  
23 We are looking at the entire global --

24 MR. MORRIS: I'm familiar with that. My  
25 concern is that the EIS process is going to take months,

1 9/15/10 CEQ meeting

2 years maybe, and the Kennedy bill can come --

3 THE CHAIRMAN: It's independent, is really  
4 what it boils down to.

5 MR. MORRIS: It comes up and all of a sudden  
6 you're segmenting out the ninety-five acre parcel. I  
7 would like to go on record that the Open Space Council  
8 would oppose segmenting out any parcel on what has been  
9 proposed at two hundred fifty-five acre Legacy Village.

10 THE CHAIRMAN: Well, I think you would have  
11 some support on that issue.

12 MR. MORRIS: Okay, thank you.

13 THE CHAIRMAN: Anyone else from the public  
14 that would like to speak? Hearing none, Janice, do you  
15 have anything to add at this point in time?

16 MS. JIJINA: No.

17 THE CHAIRMAN: At which point I'll throw it  
18 over to the members. Any comments?

19 MS. VILORIA-FISHER: I have a question. I  
20 had made a comment regarding the current prohibitions on  
21 property that is owned by the county regarding  
22 pesticides and fertilizers. The response to that  
23 comment was well, we are already looking at mitigation  
24 of adding nutrients and pesticides to the Carmans River  
25 watershed. I don't think that was sufficient.

1 9/15/10 CEQ meeting

2 What I'm looking for was the types of  
3 prohibitions that we already have on county properties  
4 being carried with the land, being part of the deeding  
5 of the land to somebody else, and so I'm not satisfied  
6 with that response.

7 THE CHAIRMAN: I am looking at initial  
8 identification of mitigation measures. "Findings will  
9 dictate methods of ensuring compliance. These methods  
10 may include covenants and restrictions which will run  
11 with the land, regardless of who owns title.

12 MS. VILORIA-FISHER: It say "may include."

13 MS. RUSSO: It should say "shall include."

14 MS. VILORIS-FISHER: That is the response that  
15 I was looking for. It should say "shall include," not  
16 "may include."

17 THE CHAIRMAN: C and R's may not always be  
18 the best way to go. This is something the lawyers have  
19 to look at.

20 MR. VILORIA-FISHER: I want to put on the  
21 record that the response that I read was not the  
22 response that I was looking for. If you are looking at  
23 a watershed, there would always be mitigating  
24 circumstances in protecting the watershed. I was  
25 looking for something that is tighter because I feel it

1 9/15/10 CEQ meeting

2 creates an impact. If we currently have county laws  
3 that prohibit these additions into our soil and into the  
4 watershed, that will suffer when the sale occurs. Even  
5 if there is some mitigation, it is not as strong as what  
6 we have in the protection of the watershed.

7 MR. ISLES: I think your point is very well  
8 taken, and certainly we understand it and agree that  
9 kind of patrol is probably warranted. The only point is  
10 this is spelling out the scope for the process for the  
11 EIS, so it's in contemplation. These are things that  
12 may be possible mitigation measures, including the  
13 statement on pesticides and so forth. Since the study  
14 hadn't been completed, none of this is confirmed.

15 What will happen is obviously there will be a  
16 completed study and there will be a finding statement  
17 prepared and words like "may" will probably go to  
18 "shall" at that point in time.

19 MS. VILORIA-FISHER: I wanted to make sure  
20 that this goes on record by the time this comes to CEQ,  
21 I won't be in the legislature any more.

22 THE CHAIRMAN: When does your term end?

23 MS. VILORIA-FISHER: December, 2011.

24 THE CHAIRMAN: Hopefully this will be  
25 finished. Legislator Fisher, it's been noted. This is

1 9/15/10 CEQ meeting

2 frankly more properly for the DGEIS stage.

3 MS. VILORIA-FISHER: You will hear me mention  
4 it had many times, whatever stage we are in.

5 THE CHAIRMAN: I happen to agree with you  
6 about the county's policies on fertilizers and  
7 everything else. We just did that with the Foley  
8 Nursing Home and placed C and R's on there. In the  
9 scope, it's more a guide than anything else. It's not  
10 necessarily determinative.

11 MR. MACHTAY: For the purposes of SEQRA, one  
12 thing I would like to say, the scope should not be a  
13 preconceived list of items that show up as conclusions  
14 in the impact statement or in the finding statement,  
15 because that is where you can get into trouble. They  
16 thought about that, that is what they were going to do  
17 at the beginning. "May" is an appropriate word when  
18 you're starting.

19 The other thing, in order to segment, if I go  
20 back to the language in SEQRA, you have to show or prove  
21 that the project will be as protective to the  
22 environment as it would be if you didn't segment.  
23 Mr. Kennedy wrote all this documentation here, but he  
24 did not make that point. So, I think I would have a lot  
25 of trouble going along with what he was saying. He made

1 9/15/10 CEQ meeting

2 a lot of good arguments, but not that as it's as  
3 protective as going along with the entire program.

4 THE CHAIRMAN: I pointed that out in my  
5 memorandum that there was a paucity of environmental  
6 analysis to justify any of this.

7 MR. MACHTAY: Having said that, that is where  
8 I stand on it.

9 MS. GROWNEY: This is such a major project.  
10 The county has such a major role in the whole thing and  
11 this body also has a major role in the whole thing. I  
12 think the project is going to have a life beyond this  
13 board. I think anything that we can do to put it in the  
14 light of higher standards environmentally is a critical  
15 thing, because it also becomes a showcase for what the  
16 county then can go forward and say look what we did in  
17 terms of upping the standards on projects of this scale  
18 and scope. Anything we can do to move it in that  
19 direction I think is important.

20 THE CHAIRMAN: That is more for the draft  
21 stage and the finals. As Rich pointed out, the scope  
22 you have to be very careful with. You identify issues.  
23 It's not determinative of any final answers. It doesn't  
24 push one way or the other, rather it asks questions that  
25 need answers. While I think the board feels pretty much

1 9/15/10 CEQ meeting

2 the way you do, we can't necessarily impose those  
3 opinions at this point in time. That is a later  
4 amendment, if you want to say, that we can look at.  
5 There will be a work group formed eventually and  
6 everyone be copied on it wherein those concerns can be  
7 input by CEQ.

8 CEQ controls the process. Once it's  
9 authorized, we control the development of the EIS. We  
10 will be doing it in cooperation with the County Planning  
11 Department. At that time, we get to see what kind of  
12 information is produced, see what kind of problems and  
13 issues there are. Basically make changes that we feel  
14 are necessary to uphold the high standards.

15 MS. GROWNEY: I think everybody is feeling  
16 this on some level.

17 THE CHAIRMAN: It's been brought up several  
18 times.

19 MR. PICHNEY: Just addressing a couple of  
20 people's comments. When you look at the consultants'  
21 responses to the people's questions and comments, it  
22 will give you an excellent idea of how the issues are  
23 addressed in the final document. If you're not happy  
24 with that, the tone of the comments, now is the time to  
25 say something.

1 9/15/10 CEQ meeting

2 MR. BROWN: I'm just seeing the final scope  
3 also. Has anybody been mailed this in terms of the  
4 Historic Advisory Committee so that they can comment on  
5 the information that is on here?

6 THE CHAIRMAN: I don't know if this has been  
7 sent out. Right now public comment by the various  
8 boards in the year ended March 30th, I believe.

9 MR. BROWN: We have a public comment period  
10 here today.

11 THE CHAIRMAN: That is only to advise us as  
12 to the adequacy of the scope.

13 MR. BROWN: Should the community itself,  
14 advisory committee have this information before this  
15 meeting so they can come here and make their comments on  
16 what they see?

17 THE CHAIRMAN: Technically under SEQRA, no.  
18 We are dealing with an approval process internal to the  
19 county and internal to SEQRA. The policy of this board  
20 has been to allow public comment to inform us as much as  
21 possible. None of us are county employees. We are all  
22 members of the public. We don't have all the answers.

23 From a technical standpoint, the final drafts  
24 have been submitted to Planning and CEQ. According to  
25 charter, this is what we are dealing with. CEQ is

1 9/15/10 CEQ meeting

2 making any approvals or disapprovals as to content. The  
3 question is open has it been sent to --

4 MS. DeSALVO: It wasn't sent to the historic  
5 district, per se, but it was sent to the legislature,  
6 supervisor, yourself and DEC person in the Town of  
7 Brookhaven, and anybody could have passed that  
8 information along.

9 MR. BROWN: I'm talking about the neighborly  
10 thing. We are talking about a community that is going  
11 to see some major changes. It may be technical, they  
12 don't have to see it.

13 MR. MULE: The public comment period was over  
14 March 30th. The comments were addressed in a final.  
15 This was basically just to determine if the comments  
16 were addressed adequately. We are not extending the  
17 public comment period.

18 THE CHAIRMAN: This is not a second bite of  
19 the apple. They can't come in and comment each time.

20 MS. VILORIA-FISHER: That is not what he is  
21 saying.

22 MR. BROWN: You asked individuals, anybody  
23 wants to speak in regard to this. They don't have it in  
24 front of them. They had their public comment period,  
25 but they haven't had a chance to look at this and say Ed

1 9/15/10 CEQ meeting

2 Romaine made this comment or Jack Kennedy wrote that  
3 ninety-five acres needs to be segmented and sold off.

4 MS. DeSALVO: The scope isn't on the list but  
5 the agenda is sent out.

6 MR. BROWN: Could we at least be neighborly  
7 and send it to individuals who might be affected by  
8 this?

9 MR. ISLES: I would like to have clarity so I  
10 understand what it is that you are asking. Is it  
11 basically every document should be shared with everybody  
12 who has commented?

13 MR. BROWN: When you do a final scope.

14 MR. ISLES: It's not final until you have  
15 acted on it and the legislature has acted on it. The  
16 legislature could change that when they see it. I  
17 understand your point. If we can facilitate that in  
18 some manner that works, consistent with the law and  
19 charter, we will, of course be happy to do so.

20 MS. VILORIA-FISHER: Once we act on it and  
21 the legislature, it will come to my committee. Will it  
22 then be on the Website?

23 MS. DeSALVO: I believe once it's finally  
24 approved and adopted.

25 MS. VILORIA-FISHER: What I'm doing is

1 9/15/10 CEQ meeting

2 following up on what Steve is saying. In other words,  
3 there will be a public portion at my EPA committee  
4 meeting, and people might want to comment on this. This  
5 is a way for them to see what the response was to the  
6 many comments. Remember when we going over the vector  
7 control, not that, the wetlands management plan, people  
8 had many opportunities to look at what was going on and  
9 come back to us during that period.

10 I'm understanding what Steve is saying. If  
11 someone wants to come to my committee and make a comment  
12 on it, they didn't like the answer, they read what  
13 someone else's comment was and didn't like that,  
14 perhaps once we act on it here, it should be put on the  
15 Website before it comes to my legislative committee, so  
16 people can come to the public portion of my legislative  
17 committee.

18 MR. ISLES: It typically would be attached to  
19 the resolution. We have no problem posting it on the  
20 Website, if that is your desire.

21 MS. VILORIA-FISHER: Steve, I think that will  
22 serve the purpose that you're looking for. People will  
23 have the opportunity to review it and comment on it at  
24 my legislative meeting when it comes before us.

25 MR. ISLES: I think that works well. This is

1 9/15/10 CEQ meeting

2 a document in flux right now. It changed from last  
3 month. It may change after today when you review it.  
4 If the CEQ acts on this today and it comes before the  
5 legislature, it has a certain status at that point. The  
6 original document was posted, we made revisions; this  
7 would be the logical next step. We can do that.

8 MS. VILORIA-FISHER: You will let the  
9 constituents know.

10 MR. BROWN: And I guess these individuals  
11 here from the historic committee, you will get it on  
12 line.

13 THE FLOOR: That would be great. Thank you.

14 THE CHAIRMAN: Any other comments? Larry and  
15 I went through this pretty much line by line. There  
16 were a couple of changes here and there, nothing of  
17 giant consequence or anything like that. I've not seen  
18 any problems with it. I've gone through the public  
19 comments, or Larry and I went through the public  
20 comments, et cetera, and thought they were pretty much  
21 properly intergrated into the scope and concerns that  
22 were out there.

23 This is the document that is going to guide  
24 the preparation of the EIS. This is the final stop. No  
25 other comments? Okay. In which case we need to have a

1 9/15/10 CEQ meeting

2 vote on this. This would be a --

3 MR. MULE: Basically vote on the adequacy of  
4 the scope.

5 MR. MACHTAY: You have to make a  
6 recommendation to the legislature? I'll make a motion  
7 to recommend that this goes to the legislature with the  
8 recommendation that it be adopted.

9 MS. RUSSO: I second.

10 THE CHAIRMAN: All in favor? (Show of hands)  
11 All opposed? Abstentions? Vote carries. It's under  
12 way. We will have to set up a committee at CEQ to  
13 manage our aspects and our overview of this project.

14 Traditionally, we have set up committees in  
15 the past to oversee EIS's. They demand a fair amount of  
16 time. There is a fair amount of paperwork that is  
17 produced. There are meetings that occur basically here  
18 at Planning to review the documentation, to review the  
19 production, things like that, and to provide guidance.  
20 Generally it's been three or four people. We need to  
21 establish that committee. Larry and I are going to be  
22 on it. Larry expressed interest in being on it, I  
23 expressed interest in being on it. We had the most  
24 experience dealing with scopes and preparation of EIS's  
25 for the last twenty or so years.

1 9/15/10 CEQ meeting

2 Anyone else in the group like to be on this?

3 MS. VILORIA-FISHER: I'd do it, but I don't  
4 want to push anyone else out. If it's only four people,  
5 I want to be informed as to what is going on.

6 MS. GROWNEY: I would like to be on it, but  
7 I have some time constraints coming up. Is it three or  
8 four meetings a month kind of thing?

9 THE CHAIRMAN: No.

10 MS. RUSSO: How many do you think?

11 THE CHAIRMAN: Maybe once a month, once it  
12 starts getting going.

13 MS. GROWNEY: Okay, that can work.

14 THE CHAIRMAN: You're anointed.

15 MS. RUSSO: Once a month, morning, afternoon  
16 what are you looking at?

17 THE CHAIRMAN: We are pretty flexible.

18 MR. MACHTAY: Can I say something? This is a  
19 ten member board. If five people are on it, we have a  
20 quorum and you can't meet without having it an announced  
21 public meeting. Before you make it five people, think  
22 about that.

23 MS. VILORIA-FISHER: Can I do this, because I  
24 want to remain informed as to what is going on. If I  
25 were to send a representative from my office that would

1 9/15/10 CEQ meeting

2 be a non-voting person, who would be just reporting back  
3 to me, a quorum won't be constituted.

4 MS. RUSSO: I'll withdraw so there are no  
5 complications, just to be careful.

6 THE CHAIRMAN: None of what we do over there  
7 is quote official or anything like that. It's just  
8 discussions and things like that. Any member is welcome  
9 at any time. We are not trying to drive the process or  
10 cut anyone else. Everyone has a vote on this  
11 eventually. There is a lot of, I like to say grunt work  
12 associated with it, reviewing documents looking at where  
13 it is going, makes sure everything looks okay and is  
14 properly completed.

15 Anyone is welcome at any time. Just call up.  
16 If you have questions and things like that, call myself  
17 or Larry at any time. You know we always let everyone  
18 know what is going on.

19 MS. VILORIA-FISHER: If you say everyone is  
20 welcome at any time, if everyone comes --

21 THE CHAIRMAN: I'll throw one of you out.

22 MS. VILORIA-FISHER: That we do at the nine  
23 member budget meetings; if someone else comes, someone  
24 has to leave the room. I was trying to make room for  
25 Gloria because you know so much more than about SEQRA

1 9/15/10 CEQ meeting

2 than I do.

3 MS. RUSSO: If you alert me when there is a  
4 meeting schedule, and how does that work? I will see  
5 what my schedule is.

6 MS. VILORIA-FISHER: We will work it out.

7 THE CHAIRMAN: I have a proposed SEQRA time  
8 line. I don't know if the members got one or not.

9 MS. RUSSO: No.

10 THE CHAIRMAN: Once this thing gets going,  
11 it's going to move relatively quickly. Hopefully right  
12 now there is something in here that a possible DGEIS  
13 maybe submitted to CEQ before Thanksgiving. I think  
14 there is a fair amount of information out there already  
15 that can be organized. I know the consultant and  
16 Planning Department has been working diligently on this,  
17 so we may get information relatively soon on it.

18 I think that is it for Yaphank for today. I'm  
19 sure we will be revisiting it.

20 Let's go to the Historic Trust docket.  
21 Mr. Martin, you stated there were no updates on  
22 custodial or housing or anything.

23 MR. MARTIN: Nothing new that I need to  
24 report today.

25 THE CHAIRMAN: We will be jumping then to the

1 9/15/10 CEQ meeting

2 adoption of the Historic Trust Manual.

3 MR. MARTIN: Mary Ann and I have reviewed the  
4 comments that were sent in to Christine DeSalvo, who  
5 forward them on to us. Mary Ann will go through the  
6 manual and respond to those comments.

7 MS. SPENCERR: What Christine did was she  
8 took all spelling and punctuation and grammatical  
9 comments and incorporated them, so the trust met  
10 yesterday and we had the grammatically correct draft to  
11 work with. Then, as Richard said, he and I went over  
12 the comments that you also graciously sent to us, so we  
13 have some final recommendations.

14 My first recommendation is we put page numbers  
15 on the document because Richard and I -- I'm going to  
16 sit and turn this literally and you watch what I'm doing.

17 MS. DeSALVO: Does anyone else want a copy of  
18 it?

19 MS. RUSSO: Of the latest one.

20 MS. SPENCER: First thing to note is that  
21 your aerial view of Blydenburgh is a reminder. The  
22 reason it was on the cover is that it was the first  
23 dedicated property in Suffolk County. Michael Mule  
24 pointed out that it will be enhanced and be a much  
25 prettier presentation when it goes into print. We just

1 9/15/10 CEQ meeting

2 wanted to have a working draft.

3 The first page, the title page, there are no  
4 changes. Second page, under the Historic Trust  
5 Committee, Thomas Smith is Thomas B Smith, as in "boy."  
6 Turning the page, Table of Contents. Turn the page,  
7 under Appendices, C, Evolution of Long Island Early  
8 History and Architecture was included in the first  
9 manual and written by Barbara Van Liew, and we made a  
10 mistake and we did not identify that. As such, as  
11 Gloria pointed out, it was missing a footnote. We will  
12 provide that, but we will Not change her text because  
13 that was hers. It's her document and she is no longer  
14 with us, so we will leave that text as it, is but we  
15 will include the footnote. We will add both on this  
16 page and in the back.

17 Richard will write a little sentence or  
18 paragraph about Barbara Van Liew and the first manual  
19 and why we included it. We included it and then didn't  
20 explain what we were doing. That was in the appendix of  
21 the first manual. Let's do this handout now.

22 MR. MARTIN: There were a number of comments.  
23 What is the meaning of historic with the dedications.  
24 What we left out, which was in the original manual, was  
25 Apendix A, Criteria for Evaluation, which is the

1 9/15/10 CEQ meeting

2 National Register guideline. That is what we handed out  
3 to you. We were getting too modern, thinking people can  
4 just look things up on line, but we will put that back.

5 MS. SPENCER: That was our thinking why put  
6 that in the document; it's on line. Three people came  
7 back with what are you talking about, so it's back in.

8 MS. VILORIA-FISHER: In the acknowledgments,  
9 you tell us a little bit about Barbara Van Liew.

10 MS. SPENCER: Yes. She wrote this evolution  
11 of Long Island, early history and architecture. Because  
12 of her time and because she created the trust, we wanted  
13 to keep it in.

14 MS. VILORIA-FISHER: And put another piece  
15 in, you're saying?

16 MS. SPENCER: No, that is what Appendix C  
17 is.

18 MS. VILORIA-FISHER: I thought you said  
19 Richard was going to add something.

20 MS. SPENCER: We are going to explain it  
21 better.

22 MR. MARTIN: Who wrote it.

23 MS. RUSSO: A little bit more about her.

24 MS. SPENCER: We do that in the  
25 acknowledgement, but we didn't explain why we included

1 9/15/10 CEQ meeting

2 her early history, this writing.

3 MS. GROWNEY: I don't know if it's the right  
4 thing to do, but in the appendices can you put there  
5 that was by her.

6 MS. SPENCERR: That is my point. We will put  
7 it in both locations, because it isn't clear.

8 MS. GROWNEY: Also, I didn't realize, I did  
9 make a correction in her writing.

10 MS. SPENCER: So did Gloria, and it brought  
11 to my attention that we had Not been clear. Bear in  
12 mind that the committee worked with this for over a  
13 year. It became very much a part of us. I think  
14 sometimes we knew what we were doing. So it was helpful  
15 for all of you to read it and send comments.

16 MS. GROWNEY: May I make one other comment?  
17 I mentioned to Christine this morning that I wrote out  
18 my comments and I want to submit them. I don't know who  
19 to submit them to.

20 MS. SPENCER: You will have to verbally give  
21 them to me because I already incorporated the comments  
22 from people who submitted them to me.

23 MS. GROWNEY: I have to leave in a few  
24 minutes. I wrote them out. I wrote the chapter number  
25 and title of the chapter and wrote down below.

1 9/15/10 CEQ meeting

2 MS. SPENCER: Give them to me. We'll do  
3 what we can.

4 MS. GROWNEY: There are only a couple of  
5 them. Most of them have to do with mentioning waterways  
6 or water bodies, because in the beginning there are  
7 similar descriptions that don't include them in there,  
8 since they're part of the landscape features. I think  
9 when you have a minute to read it through.

10 MS. SPENCER: I will move through what we  
11 incorporated, because it's finished, and then Richard  
12 and I will go back through your comments.

13 MS. GROWNEY: I appreciate it.

14 (Ms. Growney left at ten-thirty a.m.)

15 MS. SPENCER: No changes in the preface.  
16 Chapter 1, other than having no page numbers, Richard  
17 and I don't have a preference as to whether you want to  
18 say "shall" or "will" or "should." We just feel the  
19 document should be consistent.

20 MS. RUSSO: "Shall" is a better term far as  
21 when you're writing regulations. It's more definitive.  
22 It means you must. It's written better and clearer that  
23 you have to do this.

24 MS. SPENCER: Christine can do a word search  
25 for consistency, you know -- Chapter 1, turning to the

1 9/15/10 CEQ meeting

2 next page you have A, the Trust and Council. One,  
3 establishment of Historic Trust. Larry wanted us to  
4 define what the trust is, so we are going to do that.  
5 What we are going to put in the Historic Trust, which  
6 supervises county owned historic properties, was  
7 established in 1970.

8 Paragraph 4, Line 4, capitalize "county."

9 Turn the page. Richard, you had asked that we  
10 put something in when there are purchases that are  
11 county or town.

12 MR. MACHTAY: Shared.

13 MS. SPENCER: I'm going to just paraphrase it  
14 and let Richard speak. The sense that I got from  
15 talking to Richard is that is so complicated and takes  
16 so many forms.

17 MR. MARTIN: It's one of the many  
18 arrangements that you say that we have, can be in the  
19 town, can be with the village, can be with the local  
20 historic society. It all comes in the sense of a  
21 stewardship. After a county purchase, CEQ puts that  
22 stewardship on the property. So I don't think it needs  
23 to be that the town specifically needs to be in the  
24 document.

25 MR. MACHTAY: It's not by transfer or title

1 9/15/10 CEQ meeting

2 or a gift or anything else that you have here. It's  
3 something very different. It's a shared purchase or a  
4 shared ownership, is it Not?

5 MR. MARTIN: Yes, but there are still  
6 decisions made --

7 MR. MACHTAY: When the Town of Huntington  
8 agrees to share the cost of purchasing a particular  
9 piece of property that happens to be historic in nature,  
10 should not that be represented here also?

11 MR. MARTIN: A decision has to be made. It's  
12 not a given who is to take the stewardship.

13 MR. MACHTAY: I'm not talking about the  
14 stewardship, I'm talking about the ownership. You're  
15 talking about communities in their preservation effort  
16 recommending that the county take title by transfer and  
17 I put in "as a gift," but it said "as gift." You had  
18 "or buy properties which local communities cannot  
19 afford." And what I'm saying is after as a gift or  
20 share the cost of purchase, it doesn't say shared by  
21 whom. It could be any local municipality, it could be a  
22 private group. It could be any number of different  
23 entities, but you don't have to put it in.

24 MR. MARTIN: I understand your point.

25 MS. SPENCER: Where are you, not page

1 9/15/10 CEQ meeting

2 number, what paragraph?

3 MS. VILORIA-FISHER: Custodianship.

4 MS. SPENCER: How do you want it?

5 MR. MACHTAY: County takes title by transfer  
6 as a gift, or share the cost of purchase of properties  
7 which local communities cannot afford.

8 THE CHAIRMAN: We did that today, as a matter  
9 of fact, with a recommendation of the purchase of the  
10 Beaverdam purchase; that is a-seventy thirty.

11 MR. BROWN: The issue right now is who takes  
12 title to it. It usually isn't split title. If the  
13 county takes title to it, they're the custodians of it.  
14 If Brookhaven takes title to it, they're the custodians  
15 to it.

16 MS. FISCHER: It's not necessarily true. We  
17 have said that tenants in common with the towns more  
18 than separate joint ownerships.

19 MR. BROWN: On the closings, who is the owner  
20 of the title?

21 THE CHAIRMAN: If it's joint, it's also  
22 tenancy in common; it's management. That management,  
23 that's is the issue.

24 MR. MARTIN: A decision would have to be  
25 made.

1 9/15/10 CEQ meeting

2 MR. MACHTAY: Any number of properties that  
3 the county and town purchased jointly in the Town of  
4 Huntington, it's usually the proviso that the town  
5 provide management and whatever it takes to maintain the  
6 property.

7 MS. FISCHER: That is part of legislative  
8 resolution.

9 MR. BROWN: Or the county takes title to it.

10 THE CHAIRMAN: Title doesn't matter when  
11 there is a joint purchase. In fact, if I'm not  
12 mistaken, I think the county has purchased things a  
13 hundred percent and the towns have managed.

14 MS. FISCHER: Correct.

15 THE CHAIRMAN: Management is the critical  
16 aspect in terms of operations. In terms of that, Rich  
17 is saying that language is needed in there. Otherwise,  
18 you have actually precluded joint purchases.

19 MR. MARTIN: You're just acknowledging that  
20 is a possibility of one of many possibilities.

21 MR. MACHTAY: Whatever the arrangement is.

22 MS. VILORIA-FISHER: We did it in the Village  
23 of Port Jefferson that the Barnum Avenue property, that  
24 little gray house where the town couldn't afford to buy  
25 the property. The town did the acquisition we

1 9/15/10 CEQ meeting

2 transferred the title, didn't we, Loretta?

3 MR. ISLES: It's owned by the county, town  
4 and village.

5 MS. VILORIA-FISHER: That little tiny postage  
6 stamp of property, but the village is managing it and  
7 it's an historic property.

8 MS. SPENCER: Turn the page. Larry wanted us  
9 to define custodianship but we decided that we were  
10 satisfied with what we had, so we didn't change it.  
11 The flow chart on the next page, original chart has  
12 been cleaned up.

13 Turn the page. Definition of historic. That  
14 is what we just passed out to you. We had several of  
15 you commented on that. Our thinking of well, it's on  
16 line, we backtracked it. Will be in the appendix and  
17 will be referred to her.

18 MR. MARTIN: We will add in a line here in  
19 Appendix A, whatever it is.

20 MS. SPENCER: We will add a line.

21 MR. MACHTAY: See Appendix A.

22 MR. MARTIN: So it will be there. This is  
23 the criteria for years. We have followed since the  
24 beginning of the program. And the National Register  
25 hadn't changed them. First, by the way, you know the

1 9/15/10 CEQ meeting

2 Frank Melville Park in Setauket is now on the National  
3 Register. The difference we have between the State and  
4 National Register was the addition of a listing of a  
5 property for county, community or contextual context.  
6 This allows for buildings that might Not be eligible for  
7 National Register and fit under the guidelines and still  
8 give historic protection that is unique to us.

9 MS. SPENCER: That is what we brought over  
10 the to CEQ over a year ago and you adopted. We found  
11 that very useful.

12 MR. MARTIN: Once listed as contributing to  
13 the history of the parks might Not be --

14 MS. SPENCER: That doesn't mean that they  
15 might Not -- we might look at them again twenty-five  
16 years from now and decide that they were eligible for  
17 the National Register or for designation.

18 MR. MARTIN: It is a fifty year time period  
19 so obviously that is constantly standing. In twenty  
20 years, the buildings that we list as being too new for  
21 National Register may be eligible.

22 MS. SPENCER: We were out at Prospect Pines.  
23 There are two bungalows on the property. We are going  
24 to list them now with the understanding that twenty-five  
25 years from now someone might want to designate them.

1 9/15/10 CEQ meeting

2 Right now they're just cottages on the property, so we  
3 will list them.

4 THE CHAIRMAN: I have a fair idea of how the  
5 National Register works. Are there any differences  
6 vis-a-vis the State?

7 MR. MARTIN: State follows the Not policy.

8 MS. SPENCER: It's called the State and  
9 National Register. If you're listed, you're on the  
10 State and National Register.

11 THE CHAIRMAN: I have never seen any  
12 differences.

13 MS. SPENCER: They're the same.

14 MR. MARTIN: I'll explain the process. The  
15 state reviews all the applications, both State and  
16 National Register. When the state committee reviews a  
17 property and says it's eligible to the National  
18 Register, at that point it goes to the State Register.  
19 It can take a few months for the paperwork to get down  
20 to Washington for them to enter it on the National  
21 Register.

22 Sometimes that doesn't happen. A good example  
23 is the house in Seatuck in Islip. The federal didn't  
24 approve that building for the National Register, even  
25 though the state had. Sometimes the federal does not

1 9/15/10 CEQ meeting

2 agree with the state.

3 MS. SPENCER: The West Meadow cottages were  
4 turned down by the state and feds accepted them.

5 MR. MACHTAY: Normally all you need to reach  
6 a threshold in SEQRA.

7 MS. SPENCER: To be declared eligible on the  
8 state.

9 THE CHAIRMAN: That still kicks back to the  
10 thrust of my original question. Right now it's just  
11 federal as recommended by the County Historic Trust.  
12 Should there be any room in there for anything about the  
13 state, even though --

14 MR. MARTIN: State follows the same  
15 guidelines. What comes down to the interpretation of  
16 the guidelines, and to be honest, the politics of the  
17 decision making.

18 MS. SPENCER: We're designing historic,  
19 Michael.

20 MR. MARTIN: There can be other reasons why  
21 a property listed is not listed even though it qualifies  
22 under those guidelines.

23 MR. PICHNEY: Do we have any scenic roads or  
24 corridors?

25 MR. MARTIN: Nothing officially designated.

1 9/15/10 CEQ meeting

2 We always viewed parts of the Motor Parkway, but it does  
3 not have official dedication.

4 THE CHAIRMAN: Parts of 25A is a New York  
5 State designation.

6 MR. MARTIN: It's a state designation, not  
7 county designation.

8 MR. PICHNEY: It seems like it can be a  
9 pretty powerful planning tool.

10 MS. SPENCER: BVL tried to get Motor Parkway  
11 designation.

12 MR. MARTIN: There was resistance from the  
13 DPW.

14 THE CHAIRMAN: They wanted to flatten all the  
15 hills and reduce the curves and in short, reduce its  
16 historic character.

17 MS. SPENCER: Collection, no comments.  
18 Surveys and Inventories, no comments. Chapter 2,  
19 Dedication Recommendations and Procedures, turn the  
20 page. Purposes for dedication, Section B, procedure for  
21 dedication. Gloria pointed out a redundancy and we are  
22 going to try and solve it in the following way. Bear  
23 with us.

24 Under B, Procedure for Dedication, we are  
25 going to remove Paragraph C because that talks about how

1 9/15/10 CEQ meeting

2 to remove something. Go two pages back where it says  
3 Removal of Dedication, you will see there we are going  
4 to take A and B out.

5 MS. RUSSO: Thank you.

6 MS. SPENCER: That makes it clearer. We had  
7 mentioned the three paragraphs twice. Two of them have  
8 to do with dedication and one has to do with removal, so  
9 we tried to clear that up.

10 Back to the first page purpose for dedication,  
11 second page, F, Functional. Richard Machtay wanted us  
12 to add storage, and we will do that. So it will say  
13 optional museum or office use, semicolon, other. So,  
14 turn the page, under procedure for removal of  
15 dedication, we took A and B out and left C, and because  
16 it's an article in the charter, we feel that Gloria, the  
17 very last sentence on that page says "furthermore, if a  
18 property has been acquired or later designated for park  
19 purpose, state legislative action will also be necessary  
20 to remove it from designated parkland."

21 Michael, we would like you to research that a  
22 little. We think we want to leave it in.

23 MR. MARTIN: Let's say it's not parkland  
24 we're talking; we do have historic properties that are  
25 not on county parkland, like the old courthouse. If the

1 9/15/10 CEQ meeting

2 county wanted to sell those, does that designation have  
3 to be reviewed by the state, or is that just a local  
4 review?

5 MS. RUSSO: That is why I felt that had to be  
6 fleshed out a little more.

7 MS. SPENCER: We don't need the area.

8 MS. VILORIA-FISHER: If it's county property,  
9 it can't be done by just the executive branch, it has to  
10 come to the legislature. I think you're talking about  
11 alienation of parkland, which is very specific, which  
12 has to go to the state legislature. But if it's not  
13 parkland, we can sell county property without having to  
14 go to the state.

15 THE CHAIRMAN: If there is an Historic Trust  
16 designation on that.

17 MS. VILORIA-FISHER: Don't know. That would  
18 be interesting to know.

19 MR. MARTIN: We should add another paragraph  
20 here explaining the purposes of non-parkland. Either  
21 way, if it's just the legislature approval, fine, let's  
22 put it in here.

23 MS. VILORIA-FISHER: Furthermore, perhaps it  
24 should have the expression "alienation of parkland,"  
25 because that is the term that is used.

1 9/15/10 CEQ meeting

2 MS. SPENCER: Michael will look into that for  
3 us so that that paragraph can be correct and clear and  
4 helpful.

5 MS. RUSSO: I want somebody to read the deed,  
6 the procedure for removal. After you saw the other  
7 section two pages you recall earlier, I want the  
8 document to stand on its own. So you can read in D,  
9 okay. That is the way you get it off. Make it very  
10 clear.

11 MR. MACHTAY: There should be nothing left to  
12 the imagination. We don't know who is going to be  
13 sitting here twenty-five years from now. Maybe Michael.  
14 (Pointing)

15 THE CHAIRMAN: Let me state for the record  
16 again, under Robert's Rules, there may be executions.

17 MS. SPENCER: Turning the page, Management.  
18 Turn the page, turn the page, Chapter 4, Preservation,  
19 Restoration and Maintenance.

20 MR. MACHTAY: You did not like my never  
21 comment?

22 MS. SPENCER: I didn't. I can tell you why.  
23 This is from my own personal opinion. Leaving these  
24 houses vacant is the single largest threat to their  
25 integrity.

1 9/15/10 CEQ meeting

2 MR. MACHTAY: I couldn't agree with you  
3 more.

4 MS. SPENCER: This is the document that  
5 Richard and I use to sell the importance of historic  
6 properties to all concerned, whether it be a legislative  
7 body or park trustees or someone who is coming in to  
8 sign a custodial agreement. Think just never say never,  
9 just don't ever leave them vacant.

10 MR. MACHTAY: I couldn't agree with you  
11 more. I guess the only comment I can make to that is if  
12 I were a legislator, I would think of it as the tail  
13 wagging the dog because this body makes recommendations.

14 MR. MARTIN: That is a recommendation to  
15 never leave it vacant.

16 THE CHAIRMAN: I don't have a problem.

17 MR. MACHTAY: Therefore shall never be  
18 without utilities.

19 MS. SPENCER: Adaptive uses.

20 MR. MACHTAY: Yes, second paragraph.

21 MS. SPENCER: Under adaptive uses, second  
22 paragraph.

23 THE CHAIRMAN: I have to agree with Rich.  
24 Actually, I'm not sure I agree with him on this. The  
25 tail wagging the dog is not a bad idea in certain ways.

9/15/10 CEQ meeting

1  
2 This manual is supposed to show how the system should be  
3 run. And given the vagaries of the county in terms of  
4 budgets and things like that, you never know what might  
5 happen in the future. If we were going to preserve the  
6 historic system in any way, shape or form, we don't  
7 necessarily want to allow basically utilities and other  
8 things to happen to these buildings because we know  
9 they're going to fall apart.

10 If we are on record saying that is a policy,  
11 it's a strong policy. It's something we can use with  
12 the legislature. you never know what can happen in the  
13 buildings in the future. We have seen enough buildings  
14 get lost through the years. We have seen buildings  
15 that should have been repaired, and because of monetary  
16 reasons don't get repaired and then they just fall  
17 apart. I don't have a problem saying a proactive  
18 statement like this.

19 MR. MACHTAY: "Shall never" or "should  
20 never?"

21 THE CHAIRMAN: I would say "shall."

22 MS. SPENCER: We have a legislator sitting  
23 here. How do you feel?

24 MS. VILORIA-FISHER: I understand what  
25 Richard is saying. It doesn't sound like a

1 9/15/10 CEQ meeting

2 recommendation, it sounds like a mandate. In this case,  
3 I think "should" should replace "shall."

4 MS. RUSSO: "Shall" is a mandate. You want  
5 most of this document as a law, a mandate, that this is  
6 what is supposed to happen. You must follow that. This  
7 is a situation with this one particular sentence, that  
8 is a mandate that says we have to fix this building no  
9 matter what; it's falling apart. In one way is that  
10 overzealous? Or maybe you should say "should" because  
11 your optimum way of treating everything is hopefully  
12 protect them. You may not be able to. The funds may  
13 not be available.

14 MS. SPENCER: Do you think they should  
15 change "shall" to "should" in this instance?

16 MS. RUSSO: I think it's appropriate.  
17 You're aiming for a very high bar here.

18 MS. SPENCER: We follow it with examples of  
19 county properties that have been vandalized and it's  
20 cost the county millions of dollars.

21 THE CHAIRMAN: I disagree, but I'm outvoted.

22 MS. VILORIA-FISHER: You have to realize that  
23 you are a recommending body and not a policy making  
24 body. You recommend and only the legislature can  
25 establish policy.

9/15/10 CEQ meeting

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MS. SPENCER: I'm for "never" being left in there.

MS. VILORIA-FISHER: Then soften it with "should."

MR. MACHTAY: It's not softening it, it's recommending it.

MR. PICHNEY: So we're all clear with that.

THE CHAIRMAN: This entire document, though, is for our purposes. It is not a full policy, if I understand this correctly, of the County of Suffolk; is that accurate?

MS. SPENCER: No.

MR. MARTIN: It's a good question. Once the legislature dedicates a property to the Historic Trust, then I think the guidelines should be followed.

MS. VILORIA-FISHER: You used the words "should be followed."

MS. RUSSO: I took this document as a stand-alone -- as a policy for the Historic Trust. This is the reason for having this rule. You want it to say "shall," not just this one line, everything else, the whole document.

MR. MACHTAY: By the same token, we can only recommend to the legislature that they're charging too

1 9/15/10 CEQ meeting

2 much rent, and that is why we can't get people into  
3 those places. We can't set rent, only the legislature  
4 can do that.

5 MR. MARTIN: No matter what words we use,  
6 even if we say "shall do this," it doesn't mean it's  
7 going to happen.

8 MS. RUSSO: I understand that.

9 MS. SPENCER: These are the standards that we  
10 in bringing the recommendations to the SEQRA.

11 THE CHAIRMAN: To that extent, let's say the  
12 membership of the CEQ changed and we got an  
13 anti-preservationist majority. Without having those  
14 words "shall" in there, you basically lower the bar in  
15 this document to allow certain things to happen to a lot  
16 of these buildings, which you know already happened.

17 This might be my last stand on it. It's  
18 making a policy, maybe, for this board to try and  
19 enhance and fortify our position, if you will. Once a  
20 recommendation is made by this board to the legislature  
21 saying this is our standards. If you loosen them up at  
22 CEQ level as opposed to the leg level, you potentially  
23 have danger.

24 If the composition of the board changes and  
25 the protection of historic structures is not as

1 9/15/10 CEQ meeting

2 necessarily as high a --

3 MS. RUSSO: How about if we tweak this by  
4 saying historic buildings are threatened by vandalism  
5 and deterioration and therefore, the county shall  
6 optimally try to never let them be left without  
7 utilities or anything like that.

8 THE CHAIRMAN: You can actually change  
9 another word. Maybe "must." It's not as imperative.

10 MR. MACHTAY: It's the same as "should."

11 MR. MARTIN: I think "should" would work. I  
12 want to bring out an example the importance of this  
13 concept. When the county purchased the Scully Estate,  
14 there was no thought that they should keep the building  
15 occupied. There was four hundred thousand dollars'  
16 worth of vandalism in three months.

17 They should have kept a caretaker in  
18 throughout the whole closing process to avoid all that  
19 vandalism. This should go beyond the Parks Department  
20 guidelines. This should be the county guidelines to  
21 have a caretaker there to avoid all that vandalism.  
22 It's costing the county millions of dollars by not  
23 keeping these occupied. Black Duck Lodge, that also  
24 happened.

25 MS. VILORIA-FISHER: Mount Sinai, the

1 9/15/10 CEQ meeting

2 Chandler Estate. Peter Cardona, the architect who took  
3 me aside and said do you know what is happening at the  
4 Scully Estate, that is when we became pro-active, making  
5 sure we had rentals. Your concern about having people  
6 who are preservationists, if they are in any way  
7 sensitive to investments made by the county the person  
8 doesn't even have to be a preservationist. We own a  
9 million dollar historic home and we are not maintaining  
10 utilities and we're letting the pipes freeze or  
11 whatever. They're going to be destroyed. I think the  
12 protection is intrinsic in the value. I think "should"  
13 is strong enough here.

14 MS. SPENCERR: When the trustee comes to the  
15 CEQ, which is the trust, with the recommendation, they  
16 have to have a basis upon which they made that  
17 recommendation. That is why we struggled with this over  
18 the year; that is the point. That has gone back and  
19 forth. Jim Bagg was deeply involved.

20 A lot of time and thought has gone into this  
21 in terms of up deeding. This is just so if someone to  
22 Richard or to me or any member of the CEQ says well, why  
23 did you do that. This is the thinking. It draws  
24 heavily from the National Register and National  
25 Guidelines. We are trying to make Suffolk County

1 9/15/10 CEQ meeting

2 specific and trying to address the things we see as  
3 serious problems, and vacancy we see as a serious  
4 problem.

5 THE CHAIRMAN: Larry and I have both been a  
6 member of the Nissequogue Head-of-the-Harbor Local  
7 Waterfront Revitalization Program, Coastal Management  
8 Commission, as it's officially known. We have major  
9 historic responsibilities also. The thing that disturbs  
10 me over the years has been there were things in historic  
11 preservation categories are not fully protected by  
12 certain language, those designations have been lost or  
13 ignored or just sort of left by the wayside.

14 The historic power that we have had in the two  
15 villages based on the village's LWRP has been diminished  
16 because of that, because of the language flaws, if you  
17 will. That simply makes me jumpy. Admittedly, that is  
18 in the context of private people doing it. We have seen  
19 national register designation stripped off of properties  
20 so people can build mansions. Without bright line  
21 standards, that makes me jumpy, because I have seen it  
22 happen.

23 MR. MACHTAY: That is up to the resolution  
24 that the legislature passes. This can only be a  
25 recommendation as to how it ought to be. The resolution

1 9/15/10 CEQ meeting

2 that comes from the Planning Department or whomever and  
3 goes to the legislature to designate that is where the  
4 strong language has to be; otherwise, this body is  
5 telling the legislature what to do and it becomes more  
6 than a recommendation.

7 MR. PICHNEY: Even if you had a voting block  
8 of antique preservationists in the future and they  
9 decided to revise the document again, it's still a  
10 recommendation. The legislature can say these people  
11 are nuts, we are going to preserve it. To have the  
12 force of law, the legislature would have to adopt the  
13 document and it would change the story.

14 THE CHAIRMAN: I'm simply saying at this  
15 particular level, I would rather see a bright line  
16 standard sort of pushing us one way or the other when we  
17 make a recommendation.

18 (Steve Brown left at 11:05 a.m.)

19 MS. VILORIA-FISHER: I think this is a bright  
20 line standard right here. I have experienced a period  
21 where politically an overzealous legislator reacting to  
22 a scandal made it very difficult to keep tenancy in our  
23 buildings, and I wish there had been something like this  
24 already in the handbook, just saying the policy is that  
25 we keep tenants in the building and that supercedes

1 9/15/10 CEQ meeting

2 reacting to a newspaper story. You know how difficult  
3 it was with that overzealous --

4 MR. MARTIN: We have two vacancies for  
5 approximately eight years because of that.

6 MS. SPENCER: It's to the credit of a number  
7 of people, including the legislature, that these rents  
8 are being reviewed by committee. These buildings are  
9 being occupied. I think as things go, for something to  
10 come forward in the county, this is done in an admirable  
11 way and it is working, and these properties are now --  
12 many more of these properties are secured two or three  
13 years ago.

14 MS. VILORIA-FISHER: I have to tell you, Mary  
15 Ann, because of that political spin on it, it wasn't  
16 until Peter Cardona told me privately this is what was  
17 happening because he was afraid to come to the  
18 legislature to say it, because there was such a sense  
19 of -- well, that he had to tell me quietly, and then I  
20 began to work on it with Richard, quietly getting the  
21 Parks Commissioner and Building the support. We need  
22 that to be here. I think it's a tempest in a teapot  
23 here. I think the line says it.

24 MS. SPENCER: Chapter 4, Preservation,  
25 Restoration and Maintenance, we will change "shall" to

1 9/15/10 CEQ meeting

2 "should" under adaptive uses.

3 Now, I left left the historic are threatened  
4 by vandalism and unoccupied or untenanted.

5 We are on Chapter 4, Section A, Preservation  
6 Principals and Objectives. Gloria wanted the following  
7 change in the first sentence. It would be shortened and  
8 it reads: "The guiding principle of preserving historic  
9 sites, buildings, structures, roadways, landscape  
10 plantings and other such features is that it serves a  
11 public benefit." Period. Take out the word "and."  
12 Capital I. It is therefore. In the last sentence in  
13 that paragraph, Mr. Machtay dislikes the word "insofar,"  
14 and we are going to change it to "when."

15 MR. MACHTAY: I love that. I just wanted to  
16 know what insofar as possible meant.

17 MS. SPENCER: Structures, Larry wanted the  
18 source of the quote "better to preserve than repair,  
19 better to repair than restore."

20 MR. MARTIN: I presume it's from the National  
21 Register. Barbara Van Liew put it in the first  
22 edition.

23 MS. SPENCER: Then Gloria wanted us to  
24 rewrite a sentence in the third paragraph. I read it  
25 over a number of times and I like the way it is.

1 9/15/10 CEQ meeting

2 MS. VILORIA-FISHER: Can you tell us?

3 MS. RUSSO: Let me read my version.

4 "Reasonable care and expense should be taken to utilize  
5 and incorporate the materials, methods and quality of  
6 old construction in new work."

7 MS. SPENCER: Old construction in new work is  
8 confusing.

9 MS. VILORIA-FISHER: Can you tell us which  
10 sentence?

11 MS. SPENCER: "Reasonable care and expense  
12 should be taken to incorporate in new work, the  
13 materials, methods and quality of old construction." I  
14 think that is clear and not at all confusing. When I  
15 read Gloria's reworking of that sentence, I thought it  
16 was not as clear.

17 MS. RUSSO: "Reasonable care and expense  
18 should be taken to utilize and incorporate the  
19 materials, methods and quality of old construction in  
20 new work."

21 MR. MACHTAY: There is something backwards  
22 about that.

23 MS. RUSSO: Fine. When I first read the  
24 sentence as written, I was like, huh?

25 MR. PICHNEY: You should probably take out

1 9/15/10 CEQ meeting

2 the comma. Not to be the copy editor that I was for  
3 many years. There is no reason to have that comma  
4 there.

5 MS. SPENCER: You're right. Remove that  
6 comma. Good point.

7 Turn the page. There is part of a  
8 paragraph at the top of that page and then there is a  
9 paragraph. We are going to insert between the large  
10 paragraph and small paragraph. New York State Building  
11 Code for handicapped accessibility, for historic  
12 buildings, will be followed. Larry had asked how do we  
13 handle the American with Disabilities Act, so we are  
14 inserting that.

15 MR. MARTIN: Our provisions for historic  
16 buildings that are on the National Register that  
17 accommodates museum use, so we don't have to upgrade it  
18 as you would a public office building or something like  
19 that. It's a good faith effort is required by the state  
20 code.

21 MS. VILORIA-FISHER: If you are referring to  
22 the state code, do you think you should put the chapter  
23 or article that it comes from to have that reference if  
24 people want to take a look at that?

25 MS. SPENCER: Mr. Machtay, you want us to add

9/15/10 CEQ meeting

1  
2 registered or licensed landscape architect and Richard  
3 is going to tell you why we don't want to do that. In  
4 fact, we want to change landscape architect to historic  
5 landscape professional.

6 MR. MARTIN: I don't necessarily need a  
7 landscape architect to do an historic landscape study.

8 MR. MACHTAY: The way it read, any number of  
9 people out there call themselves landscape architects  
10 that are not registered.

11 MR. MARTIN: I don't need a registered  
12 architect.

13 MR. MACHTAY: Mary Ann's comment is wholly  
14 appropriate.

15 MR. PICHNEY: In New York State you can't  
16 call yourself architect without being licensed.

17 MR. MACHTAY: Don't know about that.

18 MR. PICHNEY: You can't put yourself forth as  
19 a landscape architect without a license in New York  
20 State.

21 MS. SPENCER: Taking that into consideration,  
22 we would like to change it to historic landscape  
23 professional.

24 MS. VILORIA-FISHER: Can we change the order  
25 in the first sentence under landscape to historic, and

1 9/15/10 CEQ meeting

2 that landscape survey of each site should be conducted.

3 I think it sounds a little awkward.

4 MR. PICHNEY: You're right.

5 THE CHAIRMAN: Excuse me for one second,

6 Rich, how expensive is it to do something like that?

7 MR. MARTIN: It depends. The best one I have  
8 is from a student in the summer with seasonal  
9 employment. A professional landscape architect can cost  
10 the county tens of thousands of dollars.

11 MR. MACHTAY: I think Mary Ann's comment is  
12 appropriate. Inasmuch you need someone that has a  
13 knowledge of legacy type plants. If you are looking at  
14 a house built in 1710 and it was landscaped as that  
15 time, you want the plants that were appropriate for that  
16 era. That is why her change is more appropriate than  
17 mine.

18 MR. PICHNEY: What Richard is referring to,  
19 we had a landscape architectural student do a very  
20 thorough landscape survey. He did an excellent job at  
21 that point in his career. He was a generalist. He did  
22 the research necessary that had it do with historic  
23 interests.

24 I believe that could be said of any landscape  
25 architect. My feeling leaving it generic rather than

1 9/15/10 CEQ meeting

2 saying historic, at least gives that opportunity for a  
3 landscape architect to be brought on or student. They  
4 could simply do the research. The research isn't all  
5 that difficult. If you are concerned about cost issues,  
6 just adding historic onto landscape architect jacks up  
7 the price quite a bit.

8 MS. SPENCER: I said "professional" not  
9 "landscape architect" because he might not use a  
10 landscape architect.

11 MR. MARTIN: For most of our jobs that won't  
12 be necessary. Some of the jobs are more complicated,  
13 like Coindre Hall, you might need a landscape architect  
14 because you're talking about parking issues.

15 MS. SPENCER: I guess what I'm saying is  
16 whether it's a professional who is able to do research.  
17 We have to give Richard the latitude here to service his  
18 properties within his budget and think about the needs  
19 of any particular site. That is why I think if we say  
20 historic landscape professional --

21 MR. PINCHNEY: My objection wasn't to  
22 architect, it is more designation of historic landscape  
23 profession. You can just use landscape professional.  
24 Are we quibbling here?

25 MS. SPENCER: We are.

1 9/15/10 CEQ meeting

2 MR. PICHNEY: Okay, moving on.

3 MS. SPENCER: Chapter 5, Intent to Lease.

4 Richard Machtay, what did you want said?

5 MR. MACHTAY: Shall be stipulated in terms of  
6 the lease; in all ways consistent with acceptable  
7 management practices as outlined in this document,  
8 including any special needs that may be necessary.

9 MS. SPENCER: That's okay.

10 MR. MARTIN: You said "document." This says  
11 Historic Trust Manual. I want to keep it as Historic  
12 Trust Manual.

13 MR. MACHTAY: Fine. This just says what  
14 you're supposed to do. It has to be consistent with  
15 this.

16 THE CHAIRMAN: I think that is important;  
17 otherwise, with that kind of language in there, you can  
18 bypass it.

19 MS. SPENCER: We will do that.

20 THE CHAIRMAN: Lease or license agreement.  
21 That is very necessary.

22 MR. MARTIN: Or license.

23 MS. SPENCER: Work that out because that is  
24 it. I make a motion with those changes, understanding  
25 that this will change from time to time.

1 9/15/10 CEQ meeting

2 MS. VILORIA-FISHER: Loretta's hand is  
3 raised.

4 MS. FISCHER: On the last page, funding  
5 process, you have written here the various steps  
6 undertaken to acquire property. This is the policy  
7 today. This policy might change as legislative  
8 resolutions are adopted to change the process by which  
9 we do acquire land, which has happened over the years.

10 I don't know if it's important to identify all  
11 these specific parts of the process out here, because it  
12 will change and it does change.

13 MS. SPENCER: I think if it will change, then  
14 the charter code should say as of 15 September, 2010,  
15 because Jim Bagg wanted this in. This was important to  
16 him. But if the code will change, then we should date  
17 -- therefore, Michael, maybe once a year you should look  
18 at it and see if it's current.

19 MR. MACHTAY: Did you make a motion?

20 MS. SPENCER: No, I wanted the rest of the  
21 comments. That was a premature motion.

22 THE CHAIRMAN: Were there any other  
23 comments?

24 MR. MULE: I wanted to say that the council  
25 is going to adopt the manual as a guidance document for

1 9/15/10 CEQ meeting

2 the Historic Trust to make decisions. It's not going to  
3 be forwarded onto the legislature for full county  
4 approval.

5 MS. SPENCER: It never has been, no. This is  
6 a CEQ document.

7 THE CHAIRMAN: When the motion is made, you  
8 have to phrase it that way, that is for the CEQ to  
9 utilize.

10 MS. SPENCER: The Standing Historic Trust  
11 Committee brings forward to the CEQ and asks them to  
12 adopt for their use this document, this Historic Trust  
13 Manual. It is an update of the original manual written  
14 by Barbara Van Liew.

15 MS. RUSSO: I second.

16 THE CHAIRMAN: I will call the vote now. All  
17 those in favor? (Show of hands) All those opposed?  
18 All those abstaining?

19 MS. SPENCER: Thank you.

20 MS. VILORIA-FISHER: Good job.

21 MR. MACHTAY: I think it would be helpful,  
22 when the minutes are finished and adopted, the section  
23 of the minutes that had this discussion in it, attach it  
24 to the back of the document as another part of the  
25 appendix.

1 9/15/10 CEQ meeting

2 MS. SPENCER: Why?

3 MR. MACHTAY: Anybody that looks at it can  
4 see what the intent of the CEQ was and what the  
5 discussion was.

6 MR. MARTIN: I think that is problematic as  
7 we were are handing it out to all county employees, and  
8 I think the document should speak for itself.

9 THE CHAIRMAN: There is a compromise that can  
10 be made. We can have the minutes printed up once  
11 they're approved, and either post them on line or keep  
12 them for our internal records.

13 MS. SPENCER: Can you clarify why you are  
14 requesting that? Are you displeased with this manual?

15 MR. MACHTAY: No, I'm pleased with it. There  
16 are things in there that have to go with the intent of  
17 what is written there. Anybody that is not  
18 understanding what is in the document can look at the  
19 minutes and say oh, that is what they meant.

20 MS. SPENCER: If it's unclear, then we need  
21 to revisit it and clarify it.

22 MR. MACHTAY: If you feel it's clear enough,  
23 that is fine with me.

24 MS. SPENCER: Let me explain how it's been  
25 used for the last thirty-five years. The way this has

1 9/15/10 CEQ meeting

2 been used is when someone in DPW asks Richard why do you  
3 want me to put wood siding on this bungalow, or when we  
4 had this argument after the debacle about tenancy in  
5 historic buildings, we pointed to the manual and said  
6 look, here are the guidelines. That is how we used it.

7 MS. VILORIA-FISHER: Can I suggest a  
8 compromise? The minutes are posted. There can be a  
9 reference in the appendix with the Web address.

10 MS. SPENCER: I guess the reason I'm  
11 hesitating about that is that you're making -- look, the  
12 CEQ is the Historic Trust. We are a standing committee  
13 that advises you.

14 MR. MACHTAY: Can we go off the record?

15 (Discussion off the record)

16 THE CHAIRMAN: Let's go back on record. We  
17 had a motion, we had a second, and we voted. So it  
18 passed. Any further discussion on this?

19 Nick Gibbons, who has been sitting by  
20 patiently, do you have anything that you need to tell us  
21 today?

22 MR. GIBBONS: Last month we talked about doing  
23 an overview of Theodore Roosevelt Park in Montauk. I  
24 talked to Chris. In the interest of Larry's absence, we  
25 decided to postpone that for next month. I'll prepare

1 9/15/10 CEQ meeting

2 that more formal presentation in the next meeting in  
3 light of Larry's interest in that county park.

4 A couple of members approached me about this  
5 past season's piping plover program. We have been doing  
6 our own program since 1997. Prior to that, it was  
7 operated by the Nature Conservancy. For roughly  
8 thirteen or fourteen seasons now, of which I have been  
9 involved in twelve or thirteen of those, we have been  
10 doing our own program in the county parks. We have  
11 sixteen sites, give or take one or two. These are the  
12 result of this year's program. They're site specific.  
13 Some sites we go to daily, so they represent well over a  
14 hundred site visits over the season. Other sites we go  
15 to once every two to three weeks. I forget which  
16 measures, I think Rick Machtay, I don't recall off the  
17 top of my head.

18 Overall, the program showed the same number,  
19 or relatively same number of pairs with no particular  
20 statistical difference from one year to the next.  
21 However, the productivity, how many chicks make it to  
22 survival and fledge age, meaning adulthood and can  
23 migrate to wintering grounds was dismal. You can see  
24 from site to site. In the case of Cedar Point, we had  
25 eighteen pairs and zero chicks fledged and that involves

1 9/15/10 CEQ meeting

2 mortalities of several dozen chicks on the beach. The  
3 overall recovery goal established by the federal  
4 government was one point five chicks per pair.

5 Rough numbers, each pair hatches four chicks.  
6 If you can get one and a half of those overall to make  
7 it to fledge, you meet your recovery goals. We did  
8 that once two years ago, I think. We certainly won't do  
9 it this year. So the sites themselves are listed on the  
10 left-hand column. Going across left to right are  
11 various aspects statistically or data points for each  
12 pair that we monitor over the course of the season. The  
13 numbers have been verified by myself. For all intents  
14 and purposes, they're final. I didn't know if anybody  
15 had anything specific.

16 If you take a look at it and want to ask me  
17 something specific contact me or track me down at the  
18 next meeting.

19 MR. PICHNEY: I don't quite how to ask the  
20 question. Are these survival rates typical? For  
21 example, with turtles, in terms of the number of eggs  
22 that are hatched versus the number that actually survive  
23 and so forth, or for other bird species.

24 MR. GIBBONS: You can't compare. Certain  
25 species of turtles can lay dozens of eggs. The plover,

9/15/10 CEQ meeting

1  
2 first nest attempt is typically four eggs, I'd say  
3 ninety-five percent. If this fails overall, there will  
4 be a second or third nest attempt, progressively  
5 smaller, either three eggs, even two eggs. The birds  
6 don't start incubating until the fourth egg is laid.  
7 Twenty-eight days after that, the eggs hatch. If we can  
8 catch the nest before they're in full clutch, we can  
9 estimate within twenty-four to forty-eight hours when  
10 they will hatch and we will be there that day.

11 It takes fourteen days after a failure for  
12 them to re-nest. If the re-nest is successful, it takes  
13 roughly thirty-five to forty-five days to fledge.  
14 Between incubation and brooding to fledging, you can be  
15 up to sixty days, best case scenario, for a single  
16 pair. When you match that up with the parks season, it  
17 makes for complicated policy decisions in the management  
18 of the park.

19 MR. PICHNEY: How do you measure success? Do  
20 you feel that as long as you get a chick brought to  
21 adulthood, that counts as a success?

22 MR. GIBBONS: I would be very happy if we got  
23 one chick per pair to fledge. There is a federal  
24 management guideline for plovers. There are varying  
25 degrees or intensity of programs. We have a very

9/15/10 CEQ meeting

1 popular beach buggy program for off-road beach driving.  
2 There are some federal guidelines you have to follow in  
3 order to let the program continue. If you don't meet  
4 the guidelines, you open yourselves up to U.S. Fish &  
5 and Wildlife Service enforcement actions against the  
6 program. We have gone down that road and certainly  
7 don't want to revisit. Places like Smith Point, we have  
8 daily visitation there.

10 The overall of the Atlantic population, to  
11 further confuse things, there are three distinct  
12 populations in the United States. The Atlantic Coast  
13 population is not a federally endangered species, but a  
14 federally species. The overall goal is one point five  
15 fledges per pair. Overall in New York State, there are  
16 about three hundred fifty pairs, of which we have sixty  
17 in any given year. Overall the state has a goal. We  
18 are not meeting that recovery goal. The bird isn't  
19 coming off the list any time soon.

20 What we can do is continue to do the good  
21 monitoring that will at least serve to demonstrate  
22 either what is good about the recovery or not. Other  
23 places have better productivity, which wouldn't be  
24 surprising to you. It's probably places with less  
25 population, and other places have worse.

1 9/15/10 CEQ meeting

2 THE CHAIRMAN: If they have less population,  
3 I'm looking at your notes here. It seems that it's  
4 mostly natural predation and not so much human  
5 interaction with them.

6 MR. GIBBONS: That is true. We have a  
7 conservative policy now. We closed vast stretches of  
8 beaches to public access, at least vehicular access in  
9 this summer in particular, what we saw in terms of the  
10 mortality was the weather. The weather was so intense  
11 for so long without any kind of relief, and predation.

12 THE CHAIRMAN: I saw ospreys, for example,  
13 standing in their nest with their wings outstretched  
14 trying to give off heat.

15 MR. GIBBONS: They're better off because  
16 they're forty feet in the air with their nest. Their  
17 recovery is somewhat better.

18 THE CHAIRMAN: Comparable sites, you said the  
19 federal standard is one point five. Are there other  
20 sites out there where the fledge success rate was higher  
21 as compared to ours?

22 MR. GIBBONS: Other programs, you mean?

23 THE CHAIRMAN: Other programs, other  
24 municipalities? Are we doing something different such  
25 that we have this low fledge rate?

1 9/15/10 CEQ meeting

2 MR. GIBBONS: I'm biased. However, I don't  
3 think -- I would put our program up against any others  
4 in the county. In terms of search effort, resources, I  
5 hire probably twelve seasonal employees that are  
6 dedicated to this program all summer. Our sites are so  
7 varied in terms of intensity of use or even the habitats  
8 themselves. I don't think overall there is anything  
9 that I could change in the program that would help to  
10 serve improving productivity.

11 THE CHAIRMAN: A community down in Carolina,  
12 for example, with the same population pressures, such  
13 that they might be doing something different; you are  
14 not seeing that and nobody is telling you anything?

15 MR. GIBBONS: No, I'm comfortable with our  
16 balance of restrictions of public access and serving the  
17 birds' needs. I think we are very good about affording  
18 the birds as much as we can, short of, in some cases, we  
19 do shut the park down to any kind of significant public  
20 access.

21 THE CHAIRMAN: Do you see increases in the  
22 predator population?

23 MR. GIBBONS: Yes.

24 THE CHAIRMAN: Where I live, I'm suddenly  
25 seeing an influx and increase in turkey, deer, fox and

1 9/15/10 CEQ meeting

2 some pheasant. They have been wiped out for twenty  
3 years and suddenly they're coming back. We are seeing  
4 foxes on beaches and generally foxes don't go out in  
5 open areas like that.

6 MR. GIBBONS: That is all anecdotal. Nobody  
7 is going out there to determine statistically whether or  
8 not, we just know about the fox population  
9 specifically.

10 THE CHAIRMAN: Raccoons, which suddenly  
11 exploded in population.

12 MR. GIBBONS: Foxes specifically are  
13 cyclical. They are generalists in terms of their  
14 natural habitats. They also have disease that serves to  
15 keep their population in check,

16 THE CHAIRMAN: Mange and things like that.  
17 There may be a necessity to do some culling. Cedar  
18 Beach seems to be one of the more popular areas, yet  
19 there seems to be a significant amount of predation.  
20 Not everybody likes removal of animals might be the best  
21 way to phrase it. If you can find them, that might be a  
22 control measure. Has anyone looked at that?

23 MR. GIBBONS: We have visited that at times  
24 in the past, but that hasn't gone very far. It's true  
25 other agencies are more active in predator control.

9/15/10 CEQ meeting

1  
2           The other thing I want to pass around for the  
3 benefit of the council, over at Southhaven County Park,  
4 trap and skeet, without going into an entire  
5 dissertation about the history, what is going on there  
6 is a county mandated lead reclamation. It's being  
7 operated by our concessionaire. The process is to  
8 screen the top two or three inches of soil for lead  
9 shot. They expect to reclaim two hundred fifty thousand  
10 to three hundred thousand pounds of lead from the site.  
11 There is no cost to the county or operator in the sense  
12 that there is a market for the product. So the operator  
13 and his contractor and then I guess the county will see  
14 a percentage of that.

15           MR. PICHNEY: Do they just do recovery in  
16 the track and skeet or the sporting clays?

17           MR. GIBBONS: It circles around the edge of  
18 the field. It is true, some portion, I don't know what  
19 of that shot is quote, unquote lost to the environment,  
20 brush and vegetation that surrounds the sporting clays  
21 trail. Effective reclamation in the sporting clays area  
22 would require clear-cutting the property.

23           This is an EPA recommended management strategy  
24 for keeping lead from -- it's a routine maintenance of  
25 any well run track and skeet facility. It's part of our

1 9/15/10 CEQ meeting

2 environmental stewardship plan for the site. It's going  
3 smoothly. The primary concern is with dust. We  
4 consulted with the Environmental Department in terms of  
5 air quality monitoring. We are pleased with the program  
6 in terms of no dust leaving the site. I expect the  
7 project to be completed by the end of next week. They  
8 are currently doing this Monday through Friday, so  
9 shooting ceased at the site Monday through Friday and  
10 recreational shooting activities are occurring Saturdays  
11 and Sundays.

12 I just wanted the council to be aware of  
13 that. You see from time to time in various news  
14 outlets; it's been going on for about two and a half  
15 weeks.

16 MR. PICHNEY: Do you know the status of a law  
17 requiring steel shot rather than lead shot in shotgun  
18 shells?

19 MR. GIBBONS: Currently in New York State you  
20 have to use such shot for water fowl hunting and any  
21 shooting of any kind over wetlands or water.

22 THE CHAIRMAN: Any other questions? If not,  
23 thank you.

24 Has anyone read the May minutes? Put the  
25 May minutes off. The plaque that Larry was talking

1 9/15/10 CEQ meeting

2 about for the Environmental Defense Fund at Stony Brook,  
3 he's not there talking about it. We will put that off.

4 Finally we need to talk about the bikers,  
5 otherwise known as the bike route committee. I was not  
6 present for that meeting. Who would like to be on that  
7 committee?

8 MS. RUSSO: It's already been taken care of.

9 THE CHAIRMAN: From what I understand, Mike  
10 is going to be monitoring what goes on there as relevant  
11 issues come up. It will be distributed to bikers among  
12 us. Do you have any other concern?

13 MR. MACHTAY: Make a motion to end this  
14 meeting.

15 THE CHAIRMAN: I second that.

16 (Time noted: 11:50 a.m.)

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CERTIFICATION

STATE OF NEW YORK)

) ss:

COUNTY OF SUFFOLK)

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

THAT this is a true and accurate transcription  
of the Suffolk County Council on Environmental  
Quality meeting held on September 15, 2010.

I further certify that I am not related,  
either by blood or marriage, to any of the parties  
in this action; and

I am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 29th day of September, 2010.

*Judi Gallop*

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JUDI GALLOP