

# COUNTY OF SUFFOLK



STEVEN BELLONE  
COUNTY EXECUTIVE

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

GLORIA RUSSO  
CHAIRPERSON  
CEQ

MICHAEL MULÉ  
ENVIRONMENTAL PROJECTS  
COORDINATOR

## SUFFOLK COUNTY COUNCIL ON ENVIRONMENTAL QUALITY MINUTES

DATE: August 15, 2012  
TIME: 9:45 am to 11:55 pm  
LOCATION: Timber Point Country Club  
398 Great River Road  
Great River, New York

### PRESENT:

Gloria Russo, Chair  
James Bagg, Vice-Chair  
Eva Growney  
Hon. Kara Hahn  
Michael Kaufman  
Dan Pichney  
Mary Ann Spencer  
Larry Swanson

### ABSENT:

Thomas Gulbransen  
Richard Machtay

### CAC REPRESENTATIVES:

None Present

### STAFF:

Christine DeSalvo, Senior Clerk Typist  
Michael Mulé, Environmental Projects Coordinator

### GUESTS:

Sarah Lansdale, Director, Suffolk County Dept. of Eco. Dev. and Planning  
Lauretta Fischer, Principal Environmental Analyst, Suffolk County Dept. of Eco. Dev. and Planning  
Richard Martin, Director of Historic Services, Suffolk County Dept. of Parks, Recreation & Conservation  
Eric Crater, Assistant Director of Historic Services, Suffolk County Dept. of Parks, Recreation & Conservation  
Nick Gibbons, Environmental Analyst, Suffolk County Dept. of Parks, Recreation & Conservation

Angela Guarino, Contracts Examiner, Suffolk County Dept. of Parks, Recreation & Conservation  
Terry Maccarrone, Program Coordinator, Suffolk County Dept. of Parks, Recreation & Conservation  
Jim Barr, Parks Superintendent, Suffolk County Dept. of Parks, Recreation & Conservation  
Jessica Hogan, Suffolk County Attorney, Suffolk County Department of Law  
Dennis Brown, Suffolk County Attorney, Suffolk County Department of Law  
Margaret Bermel, Director, Suffolk County Department of Health Services  
Tom Cilmi, Suffolk County Legislator, 10<sup>th</sup> District  
Thomas Ryan, Legislative Aide, 5<sup>th</sup> Legislative District  
Michael Lessing, COO of Food Services, Lessing's  
Lawrence M. Feeley, Architect, BBS Architects

After opening the meeting, Ms. Russo allowed Legislator Kennedy to give a brief statement on the John J. Foley Skilled Nursing Facility. Legislator Kennedy reminded the Board that he came before the Council roughly two and a half years ago when there was a previous sale contemplated to a then prospective purchaser, Mr. Rosenberg. He went on to state that the purpose of his attendance was to encourage the board to look at the ramifications associated with this transaction and to look hard at what the Health Department has made as far as a recommendation that this is an unlisted action warranting a negative declaration. Legislator Kennedy reminded the Council that we are talking about the sale of an 181,000 square foot skilled nursing facility with 12 HIV/AIDS beds and 60 adult day care beds. The transaction would involve roughly 14 acres of property and would include undisturbed land that is adjacent to the nursing home which would presumably furnish access from Yaphank Avenue. Legislator Kennedy highlighted several threshold issues that he felt the Council should consider strongly. First, while there is a representation that the purchaser is looking to acquire this property for the purposes of operating a skilled nursing facility, there is no contractual obligation that would require the purchaser to maintain and operate the site as a skilled nursing facility. He went on to question the legality of the sale, citing that the asking price of \$23,000,000 violates the constitutional provisions of Article 8, Section 1 of the New York State Constitution which precludes any municipality from making a gift of municipal assets. In addition, Legislator Kennedy asked the Council to consider the fact that there are roughly 240 acres of land that right now are involved in a directed sale that would share a common boarder with the John J. Foley Nursing Facility. He went on to note that right now the Nursing Facility has no operating certificate and is not zoned for its present use. He also raised the issue that this transaction was brought about without the benefit of a an RFP process as required under General Municipal Law 103 and obviates the whole surplus process now contained in Section 215 of New York State County law. The Legislator reminded that Council that they are being asked to look at the environmental and the subservient socio-economic impacts on 200 county employees who would be severed from service and the 196 residences that would no longer have access to the high level and standards of care that are presently provided by our John J. Foley Nursing Home. Legislator Kennedy went on to suggest that the EAF is incomplete and does not fully address all of the social implications associated with the transaction and encouraged the CEQ to reject a negative declaration and to even significantly question whether or not this transaction constitutes an unlisted action as opposed to a Type I.

Mr. Kaufman and Legislator Kennedy discussed the project's effect on the character of the community and the potential future use of the site and lack of contract restrictions.

Legislator Kennedy questioned the adequacy of the County Executive's public hearing process and feels that the public should be more involved in the process. Mr. Kaufman noted that the Council is asked for an environmental determination and is not subject to all of the policy decisions and policy choices that the legislature has to undertake.

MINUTES:

A motion was made by Mr. Bagg to approve the July 18<sup>th</sup>, 2012 minutes. The motion was seconded by Mr. Kaufman. Motion carried.

CORRESPONDENCE:

- Town of Babylon response to coordinated review on Bergen Point Outfall Replacement  
Mr. Mulé informed the Council that the Town of Babylon is in receipt of our coordinated review letter for Bergen Point and they have no objections to the County being lead agency. They did however ask to be included in all future mailings.
- “Act Now to Save the Bay”, Newsday  
Mr. Mulé informed the Council that this Newsday editorial urges the County to move forward with the Bergen Point project.
- Comments from Roger Tollefsen on Bergen Point Outfall Replacement  
Mr. Mulé summarized a letter from Mr. Tollefsen suggesting that the Bergen Point ocean outfall contributed to the collapse of the Great South Bay shellfish population. He went on to suggest that bay-discharge alternatives will increase nutrient inputs and revive a struggling shellfish population.
- Letter from CEQ to the Suffolk County Vanderbilt Museum and Planetarium  
Mr. Mulé informed the Council that this letter was sent out based on a request made at the last CEQ meeting. The letter outlines the Council’s concerns and requests an update on the status of the information request. A response has not yet been received.
- Comments on Part 617 Draft Scope  
Mr. Mulé briefed the Council on the comments submitted to the NYSDEC on the proposed updates to the SEQRA Rules and Regulations.

PUBLIC PORTION:

No one appeared

HISTORIC TRUST DOCKET:

Mr. Martin updated the Council on the following:

Housing Program:

- All available vacancies have been filled. Work must be done on other County residences before they will be able to be rented.

Custodial Agreements:

- The Suffolk County Office of Historic Preservation is still working on the custodial agreement with the L.I. Maritime Museum.

- The contract with Lessing's for the operation at Timber Point County Park expires at the end of this year. They have been awarded a new 20-year contract agreement with the County which includes renovations and the construction of an addition to the main building. Mr. Martin gave a brief history of the site. Mr. Lessing, Mr. Feeley and Mr. Smith gave an extensive presentation concerning the proposed renovations. Council members questioned the historic integrity of the proposal and gave their suggestions on potential structural elements. The project, once fully conceived, will return to the Council for approval.

Mr. Martin updated the Council on the status and condition of the Horan House located at Timber Point County Park. The home dates back to the 1900's and is dedicated to the Suffolk County Historic Trust. As of the late 1980's the roof started to fail and there were no funds appropriated at that time to preserve the structure. The structure has severely deteriorated over time and the Park's Department is very concerned with the conditions they face right now and have considered a complete tear down of the building. However, the Historic Trust Committee first recommended getting an opinion from the County Attorney's office since the house is a dedicated structure. At this point, Mr. Maccarrone summarized his letter to the County Attorney's office as well as the one received from the Great River Fire Department asking what the County plans to do with the site. He went on to state that a storm on August 14, 2012 finally collapsed the majority of the structure. While this site may be a lost cause, the issue still stands and the Council would still like to know from the County Attorney how they could go about taking down hazardous dedicated buildings. Mr. Swanson requested that the Council get a formal report with pictures for the purpose of informing the Historic Trust but also have it formally submitted to the legislature. The Legislature very often wants to buy properties yet we can't afford to keep what we have up and running. They should be aware of the situation that can develop if we don't put the appropriate resources where we need them.

Mr. Pichney mentioned incidents of vandalism at Meadow Croft. The most significant item of concern was an eight-foot section of copper down spout. They also vandalized the garden, broke a brass fennel off of the sundial, which was donated to Meadow Croft from an 1880's estate in Bayport and completely destroyed a wooden tutory. Mr. Pichney stated that there is a gate which is not closed at night and there is an alarm system with motion detectors connected to flood lights, but that is no longer functioning. A recommendation should be made to Historic Services that perhaps Meadow Croft and other Historic sites which have gated access points be locked and a sign put up indicating that the park is closed. He went on to add that the motion detectors should be repaired as well.

#### PROJECT REVIEW:

##### *Recommended Type II Actions:*

##### Proposed Ratification of Recommendations for Legislative Resolutions Laid on the Table August 7, 2012.

Ms. Spencer made a motion to accept staff recommendations for the August 7, 2012 Legislative Resolutions. The motion was seconded by Mr. Swanson. Motion carried.

##### *Recommended Unlisted Actions:*

##### Proposed Sale of John J. Foley Skilled Nursing Facility, Town of Brookhaven.

Mr. Brown gave a brief presentation regarding the project and went on to introduce Ms. Bermel who further explained the proposal and requested a negative declaration. It was noted that the CEQ had previously issued a negative declaration for the same proposal on June 16<sup>th</sup>, 2010. Legislature Hahn asked if it was sold to the operator and the operator decided to build on the excess acreage if that would be subject to Town review. Ms. Bermel noted that any additional development would in fact be subject to local zoning and review. It was noted that the prospective buyer is not a developer. He is a nursing home

operator and the facility will continue the same operation. Mr. Bagg read into the record what the Council had recommended previously.

Legislator Cilmi questioned whether the scope of the contract had changed over time. Mr. Brown informed Legislator Cilmi that this is the same exact deal as reviewed in 2010 and has not changed recently.

Mr. Kaufman made a motion to recommend classification of the proposed project as an Unlisted Action with a Negative declaration and to adopt the previous resolves that were in CEQ Resolution 25-2010 of June 16<sup>th</sup>, 2010. The motion was seconded by Ms. Growney. Motion carried.

Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Beaverdam Creek County Wetlands, Alvarado Property, Town of Brookhaven.

Ms. Fischer gave a brief presentation on the 0.46± acres acquisition of land by Suffolk County for open space preservation purposes in the vicinity of Beaverdam Creek County Wetlands.

Mr. Kaufman made a motion to recommend classification of the proposed project as an Unlisted Action with a Negative declaration. The motion was seconded by Ms. Growney. Motion carried.

Proposed Acquisition of Land for Hamlet Park Purposes Known as the EMB Enterprises, LLC property, Town of Riverhead.

Ms. Fischer gave a brief presentation on the 4.19± acres acquisition of land by Suffolk County for hamlet park purposes. The Town of Riverhead has agreed to develop and maintain this hamlet park in perpetuity.

Mr. Kaufman made a motion to recommend classification of the proposed project as an Unlisted Action with a Negative declaration. The motion was seconded by Ms. Growney. Motion carried.

OTHER BUSINESS:

None

PUBLIC COMMENTS:

CAC CONCERNS:

No CAC's were present for this meeting.