

# 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

## **SUFFOLK COUNTY COUNCIL ON ENVIRONMENTAL QUALITY MINUTES**

DATE: May 21, 2014

TIME: 10:35 am to 2:45 pm

LOCATION: Hubbard County Park Smithers Property  
Riverhead-Hampton Bays Road  
Flanders, New York 11901

### PRESENT:

James Bagg, Vice-Chair  
Eva Growney  
Thomas Gulbransen  
Michael Kaufman  
Dan Pichney  
Mary Ann Spencer  
Larry Swanson

### ABSENT:

Gloria Russo, Chair  
Hon. Kara Hahn

### CAC REPRESENTATIVES:

None Present

### STAFF:

Andrew Freleng, Chief Planner  
John Corral, Planner  
Christine DeSalvo, Senior Clerk Typist

### GUESTS:

Richard Martin, Director of Historic Services, Suffolk County Dept. of Parks, Recreation & Conservation

Nick Gibbons, Principal Environmental Analyst, Suffolk County Dept. of Parks, Recreation & Conservation

Michael Pitcher, Director of Communications, Suffolk County Legislature

William Colavito, Director of Highways, Suffolk County Department of Public Works

Victor Keneiby, Associate Civil Engineer, Suffolk County Department of Public Works

Janet Ford, Assistant County Attorney, Suffolk County Law Department

DeWitt Davies, Chief Environmental Analyst, Suffolk County Dept. Economic Development and Planning, Division of Planning and Environment

Lauretta Fischer, Principal Environmental Analyst, Suffolk County Dept. Economic Development and Planning, Division of Planning and Environment

Susan Filipowich, Planner, Suffolk County Dept. Economic Development and Planning, Division of Planning and Environment

Kelly Risotto, Senior Ecologist, Land Use Ecological Services Inc.

Will Bowmen, Senior Scientist, Land Use Ecological Services Inc.

Allan Dorman, Mayor Village of Islandia

Michael Zoleski, Fire Marshall, Village of Islandia

Gerald Peters, Building Inspector, Village of Islandia

Vincent Pizzuli, Attorney, Village of Islandia

**Minutes:**

Minutes for the April 16, 2014 CEQ meeting were reviewed and discussed. A motion was made by Mr. Kaufman to approve the April 16, 2014 minutes. The motion was seconded by Ms. Growney. Motion carried. Mr. Swanson abstained from voting.

**Correspondence:**

None

**Public Portion:**

Vincent Pizzuli, Attorney, Village of Islandia and Allan Dorman, Mayor of the Village of Islandia, spoke regarding the proposed inclusion of a parcel of land known as Pal-O-Mine Equestrian, Inc (SCTM#0504-004.00-01.00-016.000) into an existing certified Agricultural District

**Historic Trust Docket:**

Director's Report:

Mr. Martin updated the Council on the following:

- Housing Program:  
Mr. Martin stated that there are no new updates regarding the Housing Program.

- Custodial Agreements:  
Mr. Martin's update noted that there has been no change in the status of custodial agreements.
- Mr. Martin provided background information about Hubbard County Park Smithers Property. Mr. Martin noted that the Smithers Property, which is a part of Hubbard County Park, as well as additional Park area around Black Duck Lodge is dedicated to the Suffolk County Historic Trust. Mr. Martin and Nick Gibbons, Principal Environmental Analyst with Suffolk County Parks, also updated the CEQ on the Master Plan that will be conducted for Hubbard County Park. Mr. Gibbons noted that four proposals had been received as part of the Request for Proposals for the Master Plan and final recommendations are now being made by the Suffolk County Department of Public Works. Mr. Martin and Mr. Gibbons noted that the Master Plan will address the historic and ecological significance of the Park as well as ways to improve public access to the Park. Following Mr. Gibbons and Mr. Martin's presentation, Craig Kessler and Wayne Roberts from Ducks Unlimited gave a presentation on the history of the property and Ducks Unlimited custodial role at Hubbard County Park.

### **Recommended Unlisted Actions:**

#### A. Proposed Inclusion of Parcels of Land into a Certified Agricultural District for 2014

Below represents a summarized description of the key points made during the extended discussion regarding this project:

The Staff to the CEQ noted that the issue before the CEQ was to make a SEQRA recommendation as to the environmental implications of adding parcels to an existing Agricultural District that have been determined by the Suffolk County Farmland Protection Board to be viable agricultural land. Staff also noted that the purpose of an Agricultural District is to encourage the continued use of farming and agricultural production.

Mr. Gulbransen asked for clarification about what the CEQ is reviewing and can the CEQ consider the impacts of farming. Mr. Bagg noted that the SEQRA review for this project is limited to the environmental implications of adding a parcel that is already determined to be viable agricultural land into an Agricultural District.

A presentation was given by Laretta Fischer, Principal Environmental Analyst with the Suffolk County Department of Economic Development and Planning, regarding the inclusion of parcels of land into an existing certified Agricultural District pursuant to New York State Agriculture and Markets Law Section 303-b. Ms. Fischer noted that the Suffolk County Agricultural and Farmland Protection Board at its April 30, 2014 meeting

reviewed 7 applications totaling 9 parcels of land for the possible inclusion within certified agricultural districts. It was noted that the Board recommended 7 out of the 9 parcels of land for inclusion in an existing Agricultural District.

As part of the public comment period for this project Vincent Pizzuli, Attorney, Village of Islandia, spoke regarding the Village of Islandia concerns regarding the proposed inclusion of a parcel of land known as Pal-O-Mine Equestrian, Inc (SCTM#0504-004.00-01.00-016.000) into an existing certified Agricultural District. The concerns included:

- That an Environmental Assessment Form (EAF) should have been completed for the Pal-O-Mine Equestrian, Inc application earlier in the application process.
- That because the completed EAF states that the project would result in the inclusion of more than 10 acres of land in an Agricultural District this project should be classified as a Type I action and a coordinated review is required
- That the Village has learned that Pal-O-Mine Equestrian property is being used for medical therapy use and that 300-400 patients per week are being treated on the property. Mr. Pizzuli noted that this may be in violation of the Village's zoning.
- Mr. Pizzuli also noted that the EAF completed did not include that there is public controversy related to inclusion of the Pal-O-Mine Equestrian parcel in an Agricultural District and that there is no information in the EAF about what is taking place on the property.

In response to Mr. Pizzuli's comments, Mr. Bagg noted that Type I actions are for the disturbance of more than 10 acres of land. Mr. Bagg also noted that this action is for the placement of existing agricultural uses into an Agricultural District and the action does not result in disturbance of land.

In response to Mr. Pizzuli's Comments, Mr. Kaufman stated that the Agricultural Protection Board does not make decisions with respect to SEQRA. Mr. Kaufman noted that after the Agricultural Protection Board recommended parcels to the Legislature, which is the SEQRA Lead Agency for this project, an EAF was prepared and the CEQ is reviewing this EAF in the normal course of business prior to the action being considered by the Suffolk County Legislature.

Larry Swanson asked how the County came to the conclusion that the activities on the Pal-O-Mine Equestrian, Inc represent an agricultural activity. Mr. Bagg stated that it is up to the Suffolk County Agricultural and Farmland Protection Board and the Suffolk County Legislature to determine whether this project represents an agricultural activity. Mr. Bagg also said it is a policy decision. Mr. Swanson brought up that there are 300-400 patients are treated and there is not information about how the waste is handled on the property.

To provide background, Ms. Fischer gave an overview of the Pale-O-Mine Equestrain

Inc. application. Ms. Fisher noted that the application stated that the more than 50% of the property is used for an equine operation and 25 horses are on the property. Ms. Fischer noted that the property met the Agricultural and Farmland Protection Board's criteria for inclusion in the district and that it is a viable commercial equine operation.

Allan Dorman, Mayor of the Village of Islandia, stated that the activities on the property represent a medical use which is not permitted by the Village's Zoning. Mayor Dorman also brought up that there is not suitable parking, drainage, or handicapped accessibility on the property. The Mayor said the land owners have been served with notice of the violations on the property.

Mr. Swanson noted that that there is less than 1/3 of an acre per horse on Pale-O-Mine Equestrain Inc. property and this is more horses per acre than what should be permitted. Ms. Growney also felt that the number of horses discussed is too high for the property.

Mr. Bagg stated that the issue before the CEQ is to make a SEQRA recommendation as to what are the environmental impacts of adding parcels with an existing agricultural use into an Agricultural District. Mr. Kaufman noted that he views this action as an Unlisted Action, Negative Declaration because he does not see the environmental impacts associated with adding a parcel with an existing agricultural use to an Agricultural District.

Mr. Swanson noted that Pale-O-Mine Equestrain Inc. application should be sent back to the Agricultural Protection Board so that this application can be reconsidered. Mr. Swanson also noted that there are issues with the property that warrant additional investigation. Mr. Bagg and Mr. Kaufman noted that it is not the CEQ's role to determine whether another board did their job correctly.

Staff, noted that the CEQ's role is not to determine whether parcels should be included in an Agricultural District. CEQ role is for a SEQRA recommendation for what are the environmental impacts of adding parcels with an existing use into an Agricultural District.

After the extended discussion summarized above, Mr. Bagg made a recommendation that the CEQ should make a SEQRA recommendation for each parcel that is proposed to be included in an existing Agricultural District since the parcels will be considered in separate legislative resolutions.

Mr. Kaufman made a motion to recommend classification of the proposed inclusion of a parcel of land (SCTM#0300-166-00-04.00-001.004 – Darryl Glennon, Town of East Hampton, I.R. 1493-2014) into an existing certified Agricultural District for 2014 as an Unlisted Action with a Negative Declaration. Ms. Growney seconded the motion. Motion carries.

Mr. Bagg clarified that for each of the parcels determined by the CEQ to be Unlisted Actions, Negative Declarations that they should have the reasons that are included in the

draft Suffolk County resolutions included as an attachment to the EAF.

Mr. Kaufman made a motion to recommend classification of the proposed inclusion of parcels of land (SCTM#0400-203.00-02.00-051.001 –Guido F. Foglia Trust & Dinah L. Foglia Trust and 0400-203.00-02.00-051.003 – Lawrence P. Foglia & Heather Forest, Town of Huntington I.R. 1494-2014) into an Existing Certified Agricultural District for 2014 as an Unlisted Action with a Negative Declaration. Ms. Growney seconded the motion. Motion carries.

Mr. Kaufman made a motion to recommend classification of the proposed inclusion of a parcel of land (SCTM#0600-098.00-01.00-016.005 – Edward Partridge, Town of Riverhead, I.R. 1496-2014) into an Existing Certified Agricultural District for 2014 as an Unlisted Action with a Negative Declaration. Ms. Growney seconded the motion. Motion carries.

Mr. Kaufman made a motion to recommend classification of the proposed inclusion of a parcel of land (SCTM#0900-051.00-02.00-005.010 – Channing Daughters Winery LLC, Town of Southampton, I.R. 1497-2014) into an Existing Certified Agricultural District for 2014 as an Unlisted Action with a Negative Declaration. Ms. Growney seconded the motion. Motion carries.

Mr. Kaufman made a motion to recommend classification of the proposed inclusion of a parcel of land (SCTM# 0600-058.00-02.00-014.003 – Redwood Farm and Stable, LLC, Town of Riverhead) and the disapproval of another (SCTM# 0600-076.00-02.00-012.001 – Kenneth Kaufold Town of Riverhead), (I.R. 1498-2014) into an Existing Certified Agricultural District for 2014 as an Unlisted Action with a Negative Declaration. Ms. Growney seconded the motion. Motion carries.

Mr. Kaufman made a motion to recommend classification of the proposed disapproval of inclusion of a parcel of land (SCTM#0600-021.00-01.00-003.000 – MF & LK Holdings LLC) (I.R. 1500-2014) into an Existing Certified Agricultural District for 2014 project as an Unlisted Action with a Negative Declaration. Ms. Growney seconded the motion. Motion carries.

Mr. Kaufman made a motion for the proposed inclusion of a parcel of land into an Existing Certified Agricultural District for 2014 (SCTM#0504-004.00-01.00-016.000 – Pal-O-Mine Equestrian, Inc., Village of Islandia, I.R. 1495-2014) to be considered an Unlisted Action with a Negative Declaration. After CEQ discussion, Mr. Bagg recommended that based on the issues raised at the meeting the CEQ can decided not to make a SEQRA recommendation to the Legislature for this project. Mr. Kaufman withdrew his motion.

Mr. Kaufman made a motion for the CEQ not to make a SEQRA recommendation to the Suffolk County Legislature for the proposed inclusion of a parcel of land (SCTM#0504-004.00-01.00-016.000 – Pal-O-Mine Equestrian, Inc. Village of Islandia, I.R. 1495-2014) into an Existing Certified Agricultural District for 2014 based on issues raised at the

meeting. The Motion was seconded by Ms. Growney. The Motion included that a copy of the May 21, 2014 CEQ minutes be forwarded to the Legislature. Motion carries.

B. Proposed Roadway, Safety and Capacity Improvements to CR13, Crooked Hill Road, Towns of Islip and Smithtown

William Colavito, Director of Highways, Suffolk County Department of Public Works and Victor Keneiby, Associate Civil Engineer, Suffolk County Department of Public Works presented the information contained in an Expanded Part 3 section of the EAF that was requested by the CEQ at its April 16, 2014 meeting. The Council was satisfied with the additional information that was provided regarding the infeasibility of incorporating a bike lane along this proposed section of Crooked Hill Road, CR-13.

Mr. Kaufman made a motion to recommend classification of the proposed project as an Unlisted Action with a Negative Declaration. Ms. Growney seconded the motion. Motion carries.

**Recommendations for LADS Report:**

A. Recommendations for Legislative Resolutions Laid on the Table April 29, 2014

Mr. Corral noted that the staff's SEQRA recommendations are listed on the LADS report. Mr. Corral also brought to the CEQ's attention that IR 1335-2014 is the Introductory Resolution for the installation of public safety radio communication equipment which the CEQ had recently reviewed.

Mr. Kaufman made a motion to accept staff recommendations as presented for the April 29, 2014 Legislative Resolutions. The motion was seconded by Ms. Growney. Motion carried.

B. Recommendations for Legislative Resolutions Laid on the Table May 13, 2014

Mr. Corral noted that the staff's SEQRA recommendations are listed on the LADS report. Mr. Corral also noted that this LADS report included the Introductory Resolutions for the inclusion of parcels into existing Certified Agricultural Districts which the CEQ had reviewed earlier in the meeting.

Mr. Kaufman made a motion to accept staff recommendations as amended for the May 13, 2014 Legislative Resolutions. The motion was seconded by Ms. Growney. The Motion included that the CEQ Staff recommendation for IR 1495-2014 (the proposed inclusion of the Pal-Mine-Equestrian, Inc. parcel into an existing agricultural district) should be changed from a recommendation of Unlisted Action/Negative Declaration to no CEQ SEQRA recommendation made. Motion carried.

**Other Business:**

- DeWitt Davies, Chief Environmental Analyst, Department of Planning – Presentation on Alternative Concept Restoration Plan – Mud Creek County Park

A presentation on Alternative Concept Restoration Plan for Mud Creek County Park was given by DeWitt Davies, Chief Environmental Analyst, Suffolk County Department of Economic Development and Planning Division of Planning and Environment and Will Bowmen, Senior Scientist with Land Use Ecological Services Inc. A copy of the Alternative Concept Restoration Plan can be found at:

<http://www.suffolkcountyny.gov/Departments/Planning/Divisions/EnvironmentalPlanning/ProjectsInitiatives/DuckFarms/MudCreek>

**CAC Concerns:**

None

Meeting Adjourned