

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: June 17, 2015

TIME: 9:40 am to 12:05 pm

LOCATION: Arthur Kunz Library

H. Lee Dennison Bldg. – 4th Floor

Veterans Memorial Highway, Hauppauge, New York

PRESENT:

Gloria Russo, Chair

James Bagg, Vice-Chair

Hon. Kara Hahn

Michael Kaufman

Mary Ann Spencer

Larry Swanson

ABSENT:

Eva Growney

Thomas Gulbransen

Dan Pichney

CAC REPRESENTATIVES:

Joy Squires

STAFF:

Andrew Freleng, Chief Planner

John Corral, Senior Planner

Christine DeSalvo, Senior Clerk Typist

GUESTS:

Jennifer Kohn, Assistant County Attorney, Suffolk County Department of Law

Richard Martin, Director Historic Services, Suffolk County Department of Parks,
Recreation and Conservation

Nick Gibbons, Principal Environmental Analyst, Suffolk County Department of Parks, Recreation and Conservation
Gil Anderson, Commissioner, Suffolk County Department of Public Works
DeWitt Davies, Chief Environmental Analyst, Suffolk County Department of Economic Development and Planning
Lauretta Fischer, Chief Environmental Analyst, Suffolk County Department of Economic Development and Planning
Susan Filipowich, Environmental Planner, Suffolk County Department of Economic Development and Planning
Jennifer McGivern, Research Technician, Suffolk County Department of Economic Development and Planning
Camilo Salazar, Environmental Analyst, Suffolk County Department of Economic Development and Planning
Victor Keneiby, Associate Civil Engineer, Suffolk County Department of Public Works
Joni Rivera, Civil Engineer, Suffolk County Department of Public Works
William Bowman, PhD, Senior Scientist, Land Use Ecological Services
Kelly Risotto, Senior Ecologist, Land Use Ecological Services
Al Krupski, Suffolk County Legislator, District 1
Alyssa Turano, Legislative Aide 5th District
Sally Lynch, Founder and President, Old Field Farm, Ltd.
Daniel Gulizio, Peconic Bay Keeper
Rick Brand, Newsday

Minutes:

Minutes for the May 20, 2015 CEQ meeting were reviewed and discussed.

A motion was made by Ms. Spencer to approve the May 20, 2015 minutes. The motion was seconded by Mr. Swanson. Motion carried.

Correspondence:

Mr. Corral noted that there was no outside correspondence received this month. Mr. Corral also noted that a draft letter which was requested by the CEQ at the May 20, 2015 meeting was placed in Chairwoman Russo's folder. This letter from the CEQ to Sarah Lansdale recommends the placement of Larry Swanson, and Tom Gulbranson as the alternate, on the Suffolk County sub-watershed steering committee which is in the process of being formed. Chairwomen Russo approved and signed the letter.

Public Portion:

None

Historic Trust Docket:

Director's Report:

Mr. Martin updated the Council on the following:

- Housing Program:
Mr. Martin stated that there is nothing new to report on the housing program.
- Custodial Agreements:
Mr. Martin stated that the Parks Department has a meeting with County Attorney Dennis Brown and his staff this Friday to formulate a template to help expedite the contract process. Mr. Martin noted that the CEQ was helpful at the last meeting in helping to facilitate this meeting with the County Attorney's office.

Recommended Type I Actions:

Proposed Mud Creek Watershed Aquatic Ecosystem Restoration Project, Town of Brookhaven

DeWitt Davies, Chief Environmental Analyst, Suffolk County Department of Economic Development and Planning and William Bowman, Senior Scientist, Land Use Ecological Services gave a presentation regarding the restoration project. The project involves the restoration of the terrestrial and aquatic habitats of the former Gallo duck farm on a 39.6 acre site located in Mud Creek County Park.

After the CEQ discussed the details of the project Mr. Kaufman made a motion to recommend classification of the proposed project as a Type I action with a Negative Declaration. The motion included that a plan will be developed to provide the greatest possible protection to the on-site turtles during the site restoration work and said plan will be communicated to all project construction contractors and that all necessary permits/approvals will be obtained from the New York State Department of Environmental Conservation prior to the commencement of site restoration. The motion was seconded by Legislator Hahn. Motion carried.

Other Business: (Taken out of Order)

Overview of the Suffolk County Comprehensive Plan.

DeWitt Davies, Chief Environmental Analyst, Suffolk County Department of Economic Development and Planning, gave an overview of the Suffolk County Comprehensive Plan which included the Plan's history and the different groups that have reviewed the Plan and provided input. Mr. Davies noted that additional public comment can be provided to Sarah Lansdale, Director of Planning, for approximately the next month. In addition, Mr. Davies stated that another public hearing will take place on July 20, 2015 at 10:00 am at the Suffolk County Environmental, Planning and Agricultural (EPA) Committee meeting and that the Comprehensive Plan has now been posted on the Suffolk County Legislature's website. Mr. Davies also described the nature of the Plan and how it contains general concepts and strategies that can be further evaluated as projects are developed in the future. Mr. Davies noted that there are no funding commitments or binding actions contained within the Plan.

Mr. Swanson voiced his concern regarding the impacts that will result from the additional population growth that is projected to occur in Suffolk County and noted how some of the strategies discussed in the Plan will encourage additional population growth on Suffolk County.

The CEQ discussed the SEQRA requirements related to this Plan. It was discussed that the Suffolk County Planning Commission was involved with this Plan and that pursuant to New York State General Municipal Law Section 239(p)3. a regional comprehensive plan is subject to the provisions of the State Environmental Quality Review Act (SEQRA). As such, the CEQ reviewed the Type I Actions and found that based on the nature and content of the Suffolk County Comprehensive Master Plan 2035 it does not represent "a municipality's land use plan", "a comprehensive resource management plan", "a municipality's comprehensive zoning regulations" or any of the other Type I actions listed. The CEQ also reviewed the Type II Actions and found that it did represent the adoption of an action consisting of "concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action."

After the CEQ discussed the details of the Plan and the related SEQRA regulations Ms. Russo made a motion to recommend that the adoption of the Suffolk County Comprehensive Plan be classified as a Type II Action. The motion included that the following information be added as Whereas Clauses to the CEQ's resolution: that pursuant to New York State General Municipal Law Section 239 a regional comprehensive plan is subject to the provisions of SEQRA; that the CEQ reviewed the Type I actions and found that based on the nature and content of the Suffolk County Comprehensive Master Plan 2035 the Plan does not represent any of the Type I actions; that the CEQ reviewed the Type II Actions and found that based on the nature and content of the Suffolk County

Comprehensive Master Plan 2035 that the adoption of said Plan does represent a Type II action; and that any future specific projects that may result from the broad framework contained within the Suffolk County Comprehensive Master Plan 2035 will be required to be reviewed under SEQRA by the appropriate governmental agency (local, county, or state). The motion was seconded by Mr. Bagg. Motion carried.

Dan Guilizio, with the Peconic Baykeeper, asked for clarification as whether it is the CEQ's position that the Plan being discussed is not a Comprehensive Plan and does not require an EIS or that it is a Comprehensive Plan and does not require an EIS. In response Andy Freleng, Staff to the CEQ, noted that New York State General Municipal Law states that a Comprehensive Plan is subject to SEQRA and that a Generic Environmental Impact Statement (GEIS) may be prepared but is not required. The CEQ also noted that as described in their motion that based on the nature of the Comprehensive Plan and the SEQRA requirements the CEQ is recommending that the Plan be classified as a Type II action. Mr. Guilizio also noted for the record that at the last CEQ meeting a presentation was given on the Comprehensive Water Resources Management Plan and that it was the Health Department position that the Water Resources Management Plan was not subject to SEQRA. Mr. Guilizio also noted that the Health Department had discussed at the May 20, 2015 CEQ meeting that the Comprehensive Water Resources Plan was not being adopted or approved and individual actions if they advance will be reviewed under SEQRA.

Recommended Type I Actions:

Proposed Old Field Farm County Park Equestrian Sand Ring Construction Project, Town of Brookhaven

Richard Martin, Director of Historic Services for the Suffolk County Department of Parks, Recreation and Conservation and Sally Lynch, Founder and President of the Old Field Farm, Ltd., gave a presentation regarding the construction of a sand ring at Old Field Farm County Park. This project involves installing a sand-based footing on the pony course at Old Field Farm County Park. CEQ had approved adding a new footing to the Sand Ring back in 2001.

After the CEQ discussed the details of the project Ms. Spencer made a motion to recommend classification of the proposed project as a Type I Action due to the fact that it is a historic site with a Negative Declaration. The motion was seconded by Mr. Kaufman. Motion carried.

Recommended Unlisted Actions:

Proposed Improvements to County Road 12, Oak Street from CR1, County Line Road to Garfield Avenue, Town of Babylon, Village of Amityville.

Joni Rivera, Civil Engineer with the Suffolk County Department of Public Works, gave a presentation regarding the improvements to CR 12. This project involves drainage system replacement and repair, replacement of a failing culvert, full depth pavement patching, resurfacing, curb and sidewalk replacement, pavement marking and the necessary traffic signal modifications along County Road 12 from County Line Road to Garfield Avenue. The project also includes a comprehensive stormwater remediation effort which involves installing precast concrete stormwater treatment systems at each location that discharges stormwater runoff from County Road 12 to either Amityville Creek or Great Neck Creek which are tributaries to the Great South Bay.

After the CEQ discussed the details of the project 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 Mr. Swanson. Motion carried.

Recommendations for LADS Report:

Recommendations for Legislative Resolutions Laid on the Table June 2, 2015

Mr. Corral noted that the Staff's SEQRA recommendations are listed on the June 2, 2015 LADS report. Mr. Corral noted that IR 1473-2015 to IR 1480-2015 pertain to the Agricultural District inclusions which the CEQ had reviewed the SEQRA for at the May Meeting. Mr. Corral noted that IR 1493-2015 is for the adoption of the Suffolk County Comprehensive Master Plan and the discussed Type II recommendation is listed on the LADS report. Mr. Corral also noted that IR 1521-2015 pertains to the Wastewater Demonstration Projects that were discussed at the May meeting and for which the Suffolk County Department of Health had completed the SEQRA. Mr. Kaufman noted that due to the timing issues this resolution was Laid on the Table at the June 2, 2015 meeting and then voted on at the June 16, 2015 Legislative Meeting. Mr. Kaufman also noted that the CEQ was briefed on this resolution and the CEQ is aware of this resolution and is in agreement with the Health Departments Health Department SEQRA recommendation.

Mr. Kaufman made a motion to accept staff recommendations for the June 2, 2015 Legislative Resolutions. The motion was seconded by Mr. Swanson. Motion carried.

CAC Concerns:

Ms. Squires noted that she attended the June 8, 2015 DEC Update that is provided to all the CAC's and ENC's throughout the State. Ms. Squires gave the agenda to Chairwoman Russo and will send the proceedings and the power points presentations from the DEC Update to the Council. Ms. Squires noted that she found the presentations have changed. There was a big push towards Invasive

Species and Climate Change.

Chairwomen Russo reminded the Council members that they are an independent advisory Council for the County and Legislature and recommended that members do not speak to anyone outside of the CEQ about issues that may come before the CEQ. Ms. Russo stressed the importance of the CEQ's role to advise the County and the Legislature and to be completely impartial. Ms. Russo stated that if any members have a reason to speak to Legislators or other elected officials about a project that is to come before the CEQ that this should be disclosed to the Chair of the CEQ.

Meeting Adjourned